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VIEWS AND REVIEWS

I

THE next annual meeting of the National Municipal League will be held at Indianapolis November 17-19. The program is now being prepared. It is planned to continue as part of the program the discussion of a model state constitution in connection with the report of our committee on state government.

II

THE so-called metropolitan area is a puzzling problem both in theory and practice. Where the area involved is closely built up urban territory it can be solved by simple consolidation of the several political units and by the elimination of the country entirely. But what shall be done with outlying area partly urban and partly rural to which no existing form of local government seems perfectly adapted?

Special municipal districts, often formed for the purpose of taking some special activity "out of politics," have proved an unmixed curse. They hang on with surprising vitality in the face of consolidation movements. In Seattle lately one local board after another has gone on record in protest against the amalgamation of all into a single unit.

Where the question involves the an-

nexation of contiguous territory it is clear that the greater New York experience should not be duplicated. For example, they are discussing in Cleveland a proposal to annex the twelve adjoining corporations by making each one a separate borough with limited home rule while affairs of general concern will be administered by the government of greater Cleveland. The scheme is a siren call to the reluctant suburbs. The obvious and damning objection is the increased complexity of local government. London had the same problem and tried to solve it through the London county council with a measure of autonomy to the historical boroughs. But local official pride is still able on occasion to throw the monkey-wrench into the gears. And there is growing discontent in New York with a too involved government which not even one-tenth of 1 per cent of the citizens understand.

III

COUNTY government has been indicted on a new count. In a report entitled "Lynching—One Evil of the Small County Government" Mr. W. E. Wimpy, a native of Georgia, charges that the "little-bitty," weak governments of southern counties do not and cannot prevent lawlessness.

There are 154 counties in Georgia with an average population of 16,942. During the past ten years there have been 135 lynchings, all occurring in the smaller counties, those with "family governments."

The popularly elected sheriff is the only police officer. No indictment can be had except through the officials of the county in which the crime is committed. State oversight is lacking. The number of voters who come to the polls at a small county election is said to be pitifully small. Elected officers have no prestige and the standards of official efficiency are painfully low.

During the last session of congress the house judiciary committee reported favorably a bill which would punish would-be lynchers and extend the aid of the federal court to the victim on the ground that he was being denied the equal protection of the laws.

The pliable holders of tiny county offices deserve our sympathy. They are trying to maintain an institution which no one honors. Respect for law and order suffers accordingly. The solution proposed in the report above is the creation of large counties, able to maintain a respectable organization; but most people will object that it is not so simple as that.

Here is additional evidence that in directing attention to the unexplored

county the National Municipal League is on the right track. Our committee on county government is close to the heart of the country life problem.

IV

WITH this issue Mr. R. M. Goodrich, the legal member of the staff of the Detroit Bureau of Governmental Research, becomes editor of our judicial decisions department, succeeding Mr. R. M. Tracy who served so long and so well in that capacity.

V

THE National Municipal League has sustained an irreparable loss in the death of Mr. Otto Kirchner of Detroit on July 21. Mr. Kirchner was a vice-president of the League and a distinguished patron of civic progress in all lines. He was one of the founders of the Detroit Bureau of Governmental Research and president of that organization from the beginning. He believed in organized civic endeavor and gave bountifully of his time in making the work of civic agencies effective and direct. His broad interests covered the field of jurisprudence, art, philanthropy and government. His counsel and help will be sadly missed.

H. W. DODDS.

IRELAND AGAIN

THE SECOND P. R. ELECTIONS

BY GEORGE H. HALLETT, JR.

Assistant Secretary, American Proportional Representation League

Dr. Hallett, who has been in Ireland observing the second P. R. elections, tells how proportional representation works in a desperate situation. :: :: :: :: :: :: :: :: ::

THE Hare system has just received a test more severe than any in its previous history. In the latter part of May and the early part of June all the county councils, rural district councils, and boards of guardians in Ireland were renewed and the Hare system was used wherever there was a contest. There was not a single area in Ireland which did not participate in at least one of the elections. This is the second time that Ireland has used the Hare system on a nation-wide scale. On January 15 last all the cities and more important towns in Ireland elected their councils by the Hare system with a success that was heralded by spokesmen of all parties.

NOT A HITCH

Once again has the entire practicality of the Hare system been vindicated under difficult circumstances. On June 7 Mr. Drury of the local government board told me that the counting of the votes had been carried out without a hitch in the most remote rural districts of Ireland and that in his opinion no one need henceforth hesitate to adopt P. R. on account of the supposed difficulty of its operation. Up to that time all the returns had been made in the proper form and he had not received a single evidence of difficulty in applying the Hare rules when the ballots were counted.

MODELS OF EFFICIENCY

I had the privilege of witnessing, with Mr. Humphreys of the English P. R. Society, the entire count in two Ulster elections, the election of guardians in the Cromac area of Belfast and the election of county councillors in the Carrickfergus area of County Antrim. In the former, conducted under the supervision of Mr. Meyer, Belfast's town clerk, every operation had been provided for in the minutest detail and the corps of trained assistants worked together like clockwork in counting the 5,890 ballots. Mr. Meyer told me, what was evidently true, that the arrangements made would have been quite adequate for a Parliamentary election under the Hare system for the whole city of Belfast, and that he should not hesitate to undertake a Hare election with half a million or more votes. Mr. Miller, the secretary of the Antrim county council, showed how a Hare election could be conducted satisfactorily with the minimum of expense and elaboration. I witnessed both counts on the same day and still had time for a climb to the top of Cave Hill before dark.

POLITICAL RESULTS

The complete returns for all Ireland have not been compiled at this writing, but the general results of the elections are quite clear.

Sinn Fein is in complete control of Leinster, Munster, Connaught, and the three counties of Ulster which have been grouped with "Southern Ireland" in the Home Rule Bill. In spite of P. R. Sinn Fein has undoubtedly secured somewhat more than its share of representation for the simple reason that in many places the minorities did not put up a fight. In a great many areas Sinn Fein was unopposed and in many others the opposition polled much less than its full vote. The usual lack of interest in Poor Law elections was a contributory cause in many cases. Another cause was the feeling that the Sinn Fein majority should be made to take undivided responsibility. But the chief reason seems to be that in the present tense situation few people outside northeast Ulster care to risk the odium of opposing the Sinn Fein candidates. There are many charges of actual intimidation and under the circumstances it would be surprising if some of the charges were not true, although it seems almost equally certain that the general policy of the Sinn Fein organization was against such intimidation.

SINN FEIN POLICE

Probably what contributed as much as anything else to the impression that the elections were not free was the fact that many of the elections were carried out under the authority of the Irish Republic. *The Irish Independent* of June 7 reports:

Throughout the south, west, and midlands, volunteers, in the absence of police, undertook the task of keeping order at the polling booths, and all reports agree that the utmost good order was observed. The volunteers also guarded the ballot boxes.

SOUTHERN MINORITIES

Although the Republican majority is undoubtedly somewhat over-repre-

sented, it is certain that P. R. has given minorities in the south a share of representation which they could not possibly have obtained under the old system. For example, Dublin city elected as its 40 guardians 30 official Sinn Fein candidates, one independent Sinn Feiner, three labor candidates, one representative of the I. T. G. W. Union, and five independents. One area returned one official and one independent Sinn Fein candidate and one representative of the I. T. G. W. U. In the many contested areas a solid Sinn Fein delegation seems to have been the exception rather than the rule.

And even the Unionists have P. R. to thank for a few members in "Southern Ireland." There will be two Unionists on the Donegal county council and one official and one independent Unionist on the Dublin county council.

ULSTER DIVIDED

The Unionists retain control of Belfast and the four nearby counties, but with somewhat reduced majorities. The Nationalists and Sinn Feiners worked in close co-operation and secured substantial representation almost everywhere.

An interesting contest took place in the Catholic area of Falls, Belfast, where the contest was exclusively between Republicans and Home Rulers. The Sinn Feiners elected two and the Nationalists one.

The storm centers were Counties Fermanagh and Tyrone, in both of which Catholics comprise a slight majority of the population. The two nationalist parties managed to maintain their majority on the Fermanagh county council and captured the Tyrone county council for the first time, so that there are now Nationalist majorities in two of the six counties

and one of the two county boroughs of "Northern Ireland."

THE OMAGH CONTEST

The Hare system usually shows to best advantage where the contest is hottest. In these elections the hottest contest was furnished by the Omagh area in County Tyrone. In three of the five Tyrone areas the Nationalists and Unionists had agreed to an even division of the seats on the P. R. principle without a contest—a notable fact in itself. A fourth was hotly contested, but the even division which resulted was foreseen. Due to the division into four-member areas, which the nationalists refer to as an attempt to gerrymander, the only chance for the Nationalist majority to secure a majority on the county council was to win three of the four Omagh seats.

Accordingly both sides marshalled all available forces—and more, if the charges on both sides may be believed. However that may be, they conclusively demonstrated the fact that the most ignorant voters can be taught to use the Hare ballot effectively. For although more than 90 per cent of the voters on the register were recorded as having voted, less than 1 per cent of the votes were spoiled—an enviable record under any system.

Furthermore, the large number of ballots transferred from one Nationalist candidate to another is evidence that the Nationalists, who in Derry are certainly no better educated than the Unionists, were able to mark their ballots intelligently for second and further choices. On the count of first preferences two Sinn Feiners and one Unionist candidate received the necessary quota of votes and were declared elected. Of the remaining three candidates, the second Unionist candidate had a lead of over a thousand

votes. But when the surplus ballots of the elected candidates were distributed and the ballots of the low Independent Nationalist candidate were transferred, the third Sinn Fein candidate overcame the lead of the Unionist and secured the coveted fourth seat. This was in strict accord with the relative strength of the two parties, as shown by the first preferences polled:

Nationalist candidates 5,884 votes—73 more than 3 quotas.

Unionist candidates 3,820 votes—54 less than 2 quotas.

THE GERRYMANDER CHARGE

It is interesting to note that in both cases where an attempt to gerrymander under P. R. has been charged in Ireland, the deadlock anticipated has failed to materialize. The Londonderry elections last January were carried out in areas so arranged, the Nationalists charged, that though in a majority they were likely to get only half of the members on the city council. In that case also the Nationalists secured a majority. Whether or not there was any intentional attempt to gerrymander in these elections, the Nationalist victories in both cases bear out the contention that P. R. makes effective gerrymandering next to impossible.

THE INDEPENDENT AND THE MACHINE

Once again the considerable number of independents elected throughout Ireland bears witness to the fact that the Hare system plays no favorites and gives even the non-party man a chance. But, more interesting still, voters have in some cases availed themselves of the opportunity given by the Hare system to pick their own candidates *within the party* without danger of decreasing the party's rep-

resentation, and have elected party candidates not endorsed by the party organization. The case of the independent Sinn Feiner elected in Dublin over one of the official Sinn Fein candidates has already been referred to. Another example is furnished by the Carrickfergus area of County Antrim, where Mr. Edward Coey, a member of Sir Edward Carson's advisory council who had served on the county council for twenty years, was one of the two defeated candidates although there were no Nationalists or Sinn Feiners in the field.

All the nationalist parties appear to be unanimous in their support of P. R. Sinn Fein shows no signs of repudiat-

ing the stand of its leader, Mr. De-Valera, favoring it on the grounds of the rights of minorities. Most of the southern Unionists are also in favor of P. R.

The Unionist organization of north-east Ulster, whose actual hold on the people of Ulster has been shown by P. R. to be much less than the old system made it appear, is opposing P. R. rather strenuously. They have the unenviable distinction of being the only protestants against the catholic doctrine of representation for all—using the terms “protestant” and “catholic” not in their sectarian sense. But even among Ulster Unionists some advocates of P. R. may be found.

THE PRESIDENT'S VETO OF THE BUDGET BILL

BY THOMAS REED POWELL

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The President's veto of the budget bill denied the constitutionality of the method of removal of the proposed comptroller-general. Congressional surveillance of expenditures as contemplated by the bill is here discussed by a distinguished student of constitutional law. :: :: :: :: :: :: :: :: ::

In the endeavor to secure an independent national audit congress proposed in the budget bill to give an indefinite tenure to the comptroller general and assistant comptroller general, to forbid their removal by the president and to provide for removal for cause by concurrent resolution of congress. These provisions as to removal caused the president to veto the bill. The veto message declared:

It has, I think, always been the accepted construction of the constitution that the power to appoint officers of this kind carries with it, as an incident, the power to remove.

I am convinced that the congress is without constitutional power to limit the appointing power and its incident power of removal derived from the constitution.

The president's conviction finds no direct support in any language of the constitution or in any decision of the supreme court. Though the court has had several opportunities to interpret the constitution in accord with the affirmation of the president, it has gone out of its way to avoid doing so. It has also carefully refrained from conveying the implication that the president may be deprived of power to re-

move officers appointed by him by and with the advice and consent of the senate. There are, it is true, expressions in some of the opinions which, taken by themselves, might lend comfort to the president's constitutional views. These, however, can be matched by others of contrary tenor. A thoughtful reading of all that the supreme court has said in relation to the matter will lead to the conclusion that the court has sought to leave itself free to decide the issue on its merits when it arises.

I

There is, however, a square decision that congress may restrict the heads of departments in the removal of inferior officers over whom they are given the appointing power by statute. This is *United States v. Perkins*¹ decided in 1886. The contribution of the supreme court was confined to quoting with approval the opinion of the court of claims. This opinion, after saying that the power to restrict the president in the removal of officers appointed by him by and with the advice and consent of the senate was not involved and need not be considered, declared:

We have no doubt that when congress, by law, vests the appointment of inferior officers in the heads of departments it may limit and restrict the power of removal as it deems best for the public interest. The constitutional authority in congress to thus vest the appointment implies authority to limit, restrict and regulate the removal by such laws as congress may enact in relation to the officers so appointed.

The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of congress; and by such legislation he must be governed, not only in making appointments but in all that is incident thereto.

¹ 116 U. S. 143.

This may be thought to carry the negative implication that congress may not regulate the power of removal where it may not determine who shall appoint. Under the constitution certain officers must be appointed by the president by and with the advice and consent of the senate. To this is added: "But the congress may, by law, vest the appointment of such inferior officers as they may think proper in the president alone, in the courts of law, or in the heads of departments." In *United States v. Germaine*,² decided in 1879, the supreme court regarded the designation "inferior officers" as applicable to all officers inferior to those specially mentioned in the constitution. This would of course exclude "ambassadors, other public ministers and consuls, judges of the supreme court," who by the terms of the constitution must be appointed by and with the advice and consent of the senate. Mr. Justice Miller in the *Germaine* case seems to assume that it also excludes the courts and heads of departments who may by law be vested with some appointing power. But he says plainly that all officers inferior to those specially mentioned are to be classed as "inferior officers." Therefore the comptroller general and assistant created by the bill which the president vetoed are "inferior officers," whose appointment might be vested by law in the president alone or in the secretary of the treasury.³ Hence these proposed officers are not within the scope of any possible negative implication in *United States v. Perkins* to

² 99 U. S. 508.

³ This is recognized in the president's veto message: "It would have been within the constitutional power of congress, in creating these offices, to have vested the power of appointment in the president alone, in the president with the advice and consent of the senate, or even in the head of a department."

the effect that the president cannot be restricted in the removal of officers whom he has a constitutional power to appoint.

This brings us to the question whether the power of congress to determine the mode of appointing the comptroller general carries with it a power to determine how he shall be removed. The Germaine case makes clear that congress might have vested the appointment in the secretary of the treasury and have restricted his power of removal. But congress has not done so. Instead, it has put the power of appointment in the president by and with the advice and consent of the senate. This is where it would have fallen by reason of the constitution, had congress kept silent. But the constitution did not secure to the president the power to appoint such an officer as the comptroller general. Congress had the option to prescribe any one of three modes of appointment. It would seem, therefore, that we may properly paraphrase the language of the Perkins case and say that the president "has no constitutional prerogative of appointment" to the office of comptroller general "independently of the legislation of congress." From this it would follow that "by such legislation" the president "must be governed, not only in making appointments but in all that is incident thereto."

Is there any flaw in the deduction? Can a distinction be made between the failure of congress to withhold the appointment from the president and the positive vesting of the appointment elsewhere as in *United States v. Perkins*? The basis of the Perkins case was the absence of any constitutional prerogative in the head of the department to appoint the officer in question. "Constitutional prerogative" must mean a power secured by the constitu-

tion against deprivation by congress, and not merely a privilege conditioned on congressional acquiescence. Grant that the president has no constitutional complaint if congress does not vest in him the appointment of the comptroller general, and it follows that he has no constitutional prerogative to appoint that official. If congress can withhold from him the power of appointment, it can under the Perkins case grant it to him on terms. The fact that the power would have gone to the president and senate had congress been silent on the matter does not seem material. A power conditioned on congressional inaction is not a constitutional prerogative. The president's constitutional security in the appointment of such an officer as the comptroller general is as weak as that of any head of a department in the appointment of an inferior officer. In both cases it is *nil*. Therefore the logic of *United States v. Perkins* is directly applicable to the issue under discussion and settles that the president's reasons for his veto are invalid, unless the president is entitled to some immunity that is not accorded to a head of department.

II

This leads us to review the judicial opinions and the legislative practice which throw light on the source of such power of removal as the president ordinarily enjoys. The first case on the power of removal in the federal government is *Ex parte Hennen*¹ decided in 1839. This held that the power vested by congress in the judges of the district court to appoint their clerks carried with it a power of removal. "In the absence of all constitutional provision or statutory regulation," declared Mr. Justice Thompson, "it would seem to be a sound and neces-

¹ 13 Pet. 230.

sary rule to consider the power of removal as incident to the power of appointment." Reference was made to the practical construction of the constitution initiated by the first congress that the president might remove officers appointed by him by and with the advice and consent of the senate. This practical construction was also reviewed in *Parsons v. United States*,¹ decided in 1897, which held that a statutory limitation of the term of officers appointed by the president by and with the advice and consent of the senate did not indicate any intention on the part of congress to forbid the president to remove such officers prior to the expiration of their term. *Shurtleff v. United States*,² six years later, decided that a congressional grant of power to the president to remove an officer for cause implied no prohibition against removing him without cause. In both of these cases the issues made it possible for the supreme court to declare that congress was without power to restrict the president in making removals of officers appointed by him. But in both the court carefully avoided doing so. At the same time it may be said that in both cases the court worked hard to interpret the statutes so as to avoid the necessity of passing on the constitutional question.

The practical construction of the constitution started in the first congress in which the house voted down a proposal that the secretary of the department of foreign affairs should be removable by the president, and the senate passed the bill with the omitted provision, but only by the casting vote of Vice-President Adams. As Mr. Justice Peckham points out in the *Parsons* case, the reason for striking out the clause conferring on the president the right to remove was that it was

"susceptible to the objection of undertaking to confer upon the president a power which before he had not." Whether this means only that the president does not need a grant from congress in order to remove an officer appointed by him, or means that the president may not be denied the power to remove the officer in question, is not specified. For our present purpose, however, we can leave the problem unsolved. For the debate had to do with the head of the department of state whose appointment, according to the constitution, can be made only by the president by and with the advice and consent of the senate. Even if congress may not restrict the president in the removal of such an officer, it may still deny him the power to remove where it may withhold the power to appoint.

Similar considerations apply to the issue raised in the impeachment of President Johnson as to the removal of Secretary Stanton in alleged violation of the tenure of office act. The senate, after its acquittal of the president, affirmed its faith in the constitutionality of the tenure of office act, by declaring in a preamble to a resolution confirming the nomination of General Schofield whom the president designated "in place of Edwin M. Stanton, removed," that "Stanton had not been legally removed from his office but had 'relinquished his place as secretary of war for causes stated in his note to the president.'"³ Thus we have legislative construction of the constitution to the effect that congress may limit the power of the president to remove even heads of departments. The temper of the legislature at the time detracts somewhat from the weight which might otherwise be given to its opinion. But even if congress were wrong as to its control over the tenure of heads of

¹ 167 U. S. 324.

² 189 U. S. 311.

³ Dunning: *Essays on the Civil War and Reconstruction*, page 302.

departments whose appointment is secured to the president and senate by the constitution, it may, as we have seen, still have power to restrict the removal of inferior officers. Congressional control over the power to appoint must carry with it control over any power to remove that finds its only source in the power to appoint.

III

Shurtleff v. United States was explicit in relating the president's power to remove to his power to appoint. The case involved a merchant appraiser whose term of office was not limited by statute. He was an "inferior officer" appointed by the president by and with the advice and consent of the senate. His contention that he could not be removed by the president without cause was predicated on an assumed negative implication from a statutory provision that he might be removed for cause. This implication would confer on him a life tenure if he behaved. The supreme court was naturally loth to reach such a result. The parts of Mr. Justice Peckham's opinion most pertinent to the issue now under consideration are as follows:

We assume, for the purposes of this case only, that congress could attach such conditions to the removal of an officer appointed under this statute as to it might seem proper; and, therefore, that it could provide that the officer should only be removed for the causes stated, and for no other, and after notice and an opportunity for a hearing. Has congress, by the 12th section of the above act, so provided?

It cannot now be doubted that, in the absence of constitutional or statutory provision, the president can, by virtue of his general power of appointment, remove an officer, even though appointed by and with the advice and consent of the senate. *Ex parte Hennen*, 13 Pet. 230; *Parsons v. United States*, 167 U. S. 324, and cases cited. To take away this power of removal in relation to an inferior office created by statute, although that statute provided for an

appointment thereto by the president and confirmation by the senate, would require very clear and explicit language. It should not be held to be taken away by mere inference or implication.

And later, in dismissing the applicability of the maxim *expressio unius est exclusio alterius*, it was added:

The right of removal would exist even if the statute had not contained a word upon the subject. It does not exist by virtue of the grant, but it inheres in the right to appoint, unless limited by constitution or statute. It requires plain language to take it away.

IV

From this review of the opinions it appears that abstractly the power of the president to remove has the same source as a similar power in a district judge or in a head of department. It is incident to the power to appoint. It does not belong to the president or to the head of a department by virtue of their respective offices but by virtue of powers to appoint vested in them. It is said to arise by implication—which, being interpreted, means that it has been thought reasonable and wise in the circumstances under which the question has arisen to infer a power to remove from a power to appoint. The circumstances under which such an inference has thus far been drawn by the supreme court have never included an express denial of the implication by congress. Implications are quite commonly intellectual devices for making plugs to fill holes. They are the work of the impliers and not of those who made the product which has the hole. The implied power of the president to remove is not part of the original fabric of the constitution. The question now before us is whether it is likely to become by judicial decision a part of the fabric of the constitution or only a part of the power to appoint. The president can at

best have a constitutionally protected power to remove only when he has a constitutionally protected power to appoint, unless in some way the power to remove can be implied from other duties of the presidency with which congress may not interfere.

The only other presidential duty to which the power to remove can be easily related is the duty to see that the laws are faithfully executed. If the president needs a free hand in making removals in order to ensure the execution of the laws, it might be held that congress may not restrict him. The supreme court has never said that the president gets his power to remove from his duty to see that the laws are faithfully executed. It has said in the *Shurtleff* case that congress has classed the office of general appraiser "as appropriately coming under the direct supervision of the president, and to be administered by officers appointed by him (and confirmed by the senate) with reference to his constitutional responsibility to see that the laws are faithfully executed." Somewhat naively Mr. Justice Peckham adds a little later that "in making removals from office it must be assumed that the president acts with reference to his constitutional duty to take care that the laws are faithfully executed." But this refers to that duty, not as the source of the power to remove, but as a guide to its exercise. Mr. Justice Peckham seems to be thinking, not of constitutional law, but of constitutional morality. And *United States v. Perkins* makes it clear that the president's duty to see that the laws are faithfully executed does not ensure him a power to dictate the removal of inferior officers. If the head of a department may be denied the power to remove officers appointed by him, congress may give inferior officers security of tenure. If the president's

duty as to the enforcement of the laws does not give him control over inferior officers appointed by the head of a department, it cannot ensure him control over inferior officers whose appointment might have been vested in the head of a department.

Our conclusion, then, is that President Wilson lacked justification for his conviction that the constitution does not permit congress to restrict his power of removal of such an officer as the proposed comptroller general. This is predicated on the fact that such an officer is one whom the constitution designated as "inferior" and one therefore whose appointment need not be vested in the president. Our doubt on the correctness of the president's constitutional law is founded on logical inference from *United States v. Perkins*, rather than on psychological inference from the judicial opinions which have discussed the power of the president. The only safe psychological inference from those opinions is that the supreme court was anxious to keep itself unfettered and to leave the question entirely open. This perhaps would justify the president in having doubts as to the constitutionality of restricting his implied power of removal. His veto message, however, went on the basis, not of doubt, but of contrary assurance. A careful examination of the cases must shatter any such assurance and come pretty close to removing contrary doubts.

v

Even if we grant that congress may restrict the president's power to remove such an officer as the proposed comptroller general, it does not follow that congress may itself exercise the power to remove by concurrent resolution as was provided in the budget bill. This provision of the bill raises a

constitutional issue upon which the supreme court has given us little, if any, light. Each house of congress may appoint and remove its own officers, but the constitution makes no provision for officers of the two houses jointly. The comptroller general and assistant must be regarded as "officers of the United States" who under the constitution must be appointed either by the president and senate or the president alone or the courts or heads of departments.¹ The defunct budget bill says: "There is created an establishment of the government to be known as the General Accounting Office, which shall be independent of the executive departments and under the control and direction of the comptroller general of the United States." This independence from the executive departments does not make the comptroller general any the less an "officer of the United States." The judges are officers of the United States. It is clear, then, that congress cannot predicate any power to remove the comptroller by concurrent resolution on any possible power of appointment by concurrent resolution. It cannot justify the power to remove as part of the legislative power, because an exercise of legislative power must be submitted to the president for his approval. Indeed, the letter of the constitution (article 1, section 7, clause 3) plainly requires a concurrent resolution to be submitted to the president for his approval, though this provision seems to have been successfully honored in the breach when the resolution is not legislative in character.² The removal of officers is not so characteristically a legislative function that it could not crawl under this practice. Yet it is distinctly dif-

ferent from the mere expressions of opinion which most concurrent resolutions content themselves with. It is to be remembered, too, that the practice referred to is still only practice and has not been subjected to the scrutiny of the supreme court.

We are here questioning, not the power of congress to legislate on the subject of removals or to restrict appointing officers in making removals, but the authority by act of legislation to vest the power of removal in the two houses by concurrent action not participated in by the president. Congress must certainly resort to implication to find constitutional warrant for such vesting of the power to remove. Some leverage for such an implication may possibly be found in the doctrine that the non-legislative power to punish for contempt may be exercised by each house separately in so far as its exercise is essential to preserve and carry out the legislative power granted by the constitution.³ The argument would be that the legislative power to appropriate money for specific purposes and the constitutional prohibition that "no money shall be drawn from the treasury, but in consequence of appropriations made by law" make it important to have a disbursing and accounting officer independent of the executive, since it may be his duty to restrain the executive. The two houses together need this power to protect the comptroller against the executive department and to ensure his compliance with the mandates of appropriation laws for the purpose of preserving and carrying out the legislative power granted by the constitution, as much as each house separately needs the power to punish for contempt to safeguard the same interests. There-

¹ See Mr. Justice Miller, in *Germaine v. United States*, 99 U. S. 508, 510.

² Hinds: *Precedents of the House of Representatives*, sections 3833, 3834.

³ See *Marshall v. Gordon*, 243 U. S. 521, and cases cited.

fore the courts should imply the one lower power as it implies the other.

Whether such an argument would prevail with the supreme court must be open to serious question. It is difficult to disagree with that part of the veto message which reads:

The section referred to not only forbids the executive to remove these officers, but undertakes to empower the congress, by a concurrent resolution, to remove an officer appointed by the president, with the advice and consent of the senate.

I can find in the constitution no warrant for the exercise of this power by the congress. There is certainly no expressed authority conferred, and I am unable to see that authority for the exercise of this power is implied in any expressed grant of power.

The message goes on to express the belief that the power of congress to remove officers is clearly negated by

the provisions which make it necessary for the appointing power to be vested elsewhere and the principle that the power of removal from office is an essential incident to the appointing power. This belief, as we have seen, rests on ground that is far from solid. But the president's conclusion may be sound though his supporting reasons are not. Certainly his conclusion cannot be proven unsound by anything in the constitution, in judicial opinions, or in well-established practice. Congress has attempted a new departure. Even though its action might successfully run the gauntlet of the supreme court, as have so many previous new departures, the president in the exercise of the veto power is well within the duties of his office in refusing to approve of legislation that has so weak a warrant in the constitution.

THE FATE OF THE FIVE-CENT FARE

XII. MUNICIPAL OWNERSHIP IN SEATTLE

BY FRED W. CATLETT, ESQ.¹

On November 5, 1918, the voters of Seattle by an overwhelming majority authorized municipal ownership and operation of the street railway lines. Seattle's experience has been and will continue to be a subject of debate throughout the country. This careful and discriminating analysis tells the story. :: :: :: :: :: ::

BEFORE this article reaches print, its title may describe merely a past phase of municipal traction history. The five-cent fare is in existence in Seattle at this writing, thanks to politics and the generosity and support of the general fund, but its end is

fixed for July 19, unless a referendum is invoked, and there are as yet no rumors of any attempt to invoke one.

RECENT HISTORY REHEARSED

Any account of the local fare situation necessarily involves a rehearsal of our recent street railway history, including the story of the city's purchase of the lines from the private company. From 1913 to and including 1917 the

¹Mr. Catlett is a practising attorney in Seattle, and is eminently fitted by scientific training and experience in public life to give an authoritative account of the street railway situation in that city.

average earnings of the Puget Sound traction, light and power company, which was operating all of the urban street car lines in Seattle save three disconnected ones, was, according to its own statements, 2.35 per cent. These years were unquestionably lean years and the financial condition of the road had much to do with the creation of the emergency situation in 1918 resulting in the sale to the city.

The company had for a long time refused to make any extensions to its lines, although several were badly needed, because the city insisted that any new franchises must contain the provisions required by article iv, section 20, of the city charter. These provisions not only included a common user clause, but also reserved to the city the right to repeal, amend or modify the grant, to cancel and forfeit it if the franchise were not used in full accordance with its provisions, and the right at any time during the grant to acquire by purchase or condemnation for the use of the city itself "all the property of the grantee within the limits of the public streets at a fair and just value which shall not include any valuation of the franchise itself, which shall thereupon terminate." Because of the fear that the acceptance of any new franchise with these terms might in some way taint its existing franchises, the company would have nothing to do with any such franchise.

In 1916 and 1917 the company declined to pay the annual 2 per cent gross earnings tax stipulated in its franchise. It first went directly to the State Public Service Commission to get relief not only from this 2 per cent gross earnings tax, but also from the payment of its share of the cost and maintenance of certain bridges, its obligations to pave between the tracks and one and a half feet on each side thereof, and to permit certain officers

or employes of the city to ride free. For reasons of its own it chose to have pressed for decision, not its own case, but the case of a company under the same control, the Tacoma railway and power company. Counsel for the city of Seattle voluntarily appeared in that case as *amici curiæ* and the Public Service Commission held that it had no jurisdiction to relieve street railway companies from franchise obligations.

Upon appeal to the supreme court that ruling was affirmed in April, 1918.¹ In that case the court also held that by virtue of a provision in the Public Service Commission statute the commission was without authority to permit the railway company to "charge, demand or collect more than five cents for one continuous ride within the corporate limits of any city or town." Two months later the supreme court held that the company must pay its 2 per cent gross earnings tax for 1916 and could not offset damages which the company claimed by reason of an attempt on the part of the city to force it to sell tickets upon the street cars.² This decision was determinative of the suit brought by the city in March, 1918, for the 2 per cent gross earnings of the year 1917. The city had also secured from the lower court two writs of mandate enforcing franchise obligations to pave between the tracks.

At this time, too, as is well known, prices and wages over the country were rising and the employes of the traction company were getting very restless. Having exhausted every possible remedy elsewhere, the company then went to the city and asked relief from the franchise obligations mentioned. Some modification in the way of permission to run one-man cars on certain lines

¹ *State ex rel Tacoma Ry. & Power Co. vs. Public Service Commission*, 101 Wash. 601.

² *Seattle vs. Puget Sound Traction, Light and Power Co.*, 103 Wash. 41.

had been granted and at one time during the negotiations the city council was considering relieving the company of so much of these burdens as would be necessary to enable it to earn the 2.35 per cent which it had earned on the average for the preceding five years. This the company did not consider sufficient. It insisted on permission to raise the fare to seven cents. Although the council and mayor had in general the power to relieve the company from obligations to the city under the franchise, on the question of fare the state statute positively forbade any fare in excess of five cents, and the corporation, counsel properly ruled that the city could not abrogate a state statute. It was apparent that the obstruction of this statute could be removed only by the legislature itself when it met in 1919.

The opposition of the company during these years to performance of its franchise obligations had contributed to the development of a general feeling of hostility toward it. This was the situation in the summer of 1918. The shipyards here were alive with activity, the critical period of the war seemed at hand, the government was demanding the completion of ships as rapidly as possible and the transportation facilities, especially in the way of transportation for the workers to and from the shipyards, were entirely inadequate. Federal representatives on the ground were insisting that the city must solve the difficulty if it wished additional contracts to be awarded to the local yards.

These demands precipitated a series of conferences between representatives of the company and representatives of the city government. Many of them accomplished little, but on August 21 the city council offered to lease the street car lines from the company and pay as rental the average net amount earned by the company during the

years from 1913 to 1917 inclusive. After taking this under advisement for a week, the traction company declined to lease the lines, but indicated that it would sell if the city gave proper security for the purchase price. Suggestions were then made that the federal government step in and assist, but the government representative said it had no intention of doing so.

CITY DECIDES TO PURCHASE LINES

The first suggestion that the city purchase the lines came on September 5 and is ascribed to A. M. Taylor, director of the passenger transportation and housing bureau of the U. S. Shipping Board Emergency Fleet Corporation. He was quoted as saying that the lines were worth between twenty-five and twenty-seven millions. An accountant's valuation begun for the State Public Service Commission, but never completed by it, showed the properties to be worth approximately fifteen millions. On September 6 an all-day conference was held between traction officials, city officials and government officials and resulted in a tentative offer by the city authorities of fifteen millions in utility bonds, payable out of the earnings of the traction lines alone and payable in twenty years in installments, with 5 per cent interest. Traction officials here were at first unwilling to recommend to the Boston officials the acceptance of the city's offer, but finally agreed to do so. Five days later the offer was accepted.

The informal offer to purchase the traction lines had been general, and it now became necessary for the parties to agree on a segregation of the power and traction properties of the company, and adjust the formal details. This was a task of very considerable difficulty, and while it was being accomplished the city council employed a

firm of accountants to go over the company's books and ascertain what they indicated the cost of the properties to be. They reported that the books indicated \$15,302,360, but said that they did not have sufficient time to present a complete report. Opponents of the purchase asserted that the report could not be relied upon because no allowance had been made for depreciation and a segregation of the traction properties had not then been made. The report accomplished nothing in the way of clearing the atmosphere. One of the members of the council, who had long been known as the champion of municipal ownership, stoutly maintained that the value of the system as it then existed did not exceed ten millions and was probably nearer seven and one-half or eight millions. His reasoning, however, was based largely though not entirely, upon the state statute fixing the maximum fare at five cents, and the earning capacity of the system under that strict limitation. If one accepted his premise, and considered only the question of earning capacity as determinative of the value of the lines, his conclusion inevitably followed, but many felt that the five-cent limit was not only not immovable, and would probably be raised by the next legislature, but was, under the unusual economic conditions, quite unfair as a sole criterion of value. To offset it, the company was able to point out the fact that cost of reproduction would be at least double the original cost.

It was not until October 18 that an agreement was reached as to the property which was to pass by the sale. The dispute had centered on certain properties owned by the company, but not directly connected with the operation of the traction lines. This included a claim to a part interest in the large central office building. The set-

tlement gave the city all of these except the partial interest claimed in the office building. In lieu of that some forty or fifty additional cars and some supplies and equipment were turned over, it is said.

Three days after this the council decided to submit the question of the purchase to a vote of the people at the coming general election on November 5—just two weeks away. This was the period of the "flu" epidemic. Public gatherings and meetings were under the ban, and, for this reason, public discussion of the proposed purchase was confined almost entirely to the columns of the newspapers, already overburdened by, and naturally featuring, the sensational successes of the allies.

THE QUESTION OF VALUATION

Notwithstanding the sharp dispute concerning their value, the city council did not have an appraisal made of the properties the city was proposing to purchase. As stated, there were two accountants' or engineers' reports submitted, but they were unsatisfactory because ultimately they depended upon the books of the company. The declarations therein were self-serving and secondary; what the situation demanded was an actual present-day valuation of existing property, equipment and supplies. But the mayor, five of the nine councilmen, and the superintendent of public utilities insisted that the system was reasonably worth more than fifteen millions, and, as the responsibility of operating the lines profitably would, in case of the purchase, fall upon them, many felt that their statements could be relied upon. On October 27 a lengthy statement was officially issued listing the property to be acquired and its value as follows:

206 miles of street railway track and overhead system	\$11,683,966.06
540 street cars	2,500,000.00
81 pieces of real estate	540,000.00
Buildings, car barns, shops and freight sheds	528,980.00
Machinery, tools and equipment	500,000.00
Stock, including electrical sup- plies	350,000.00
Total	\$16,102,946.06

The valuation of the track and overhead system was based upon the cost to the city in 1914 of the construction of Division A of the municipal lines. As this was done at pre-war prices, it was claimed to be conservative. The value of the rolling stock and of the real estate and buildings was said to have been made by city departments in 1915 for purposes of litigation. The councilman opposing the measure urged that those valuations were faulty in that the private company's lines were neither so modern nor so well built as Division A, which seems to have been true, and that much of the equipment was "junk." Another councilman, heretofore an earnest advocate of municipal ownership, although asserting that he could not see that the lines exceeded eight millions in value, declared that other considerations led him to believe the elimination of the traction company from local affairs was worth the difference, and he would vote for the purchase. Under these unsatisfactory circumstances the question came before the people for decision. Their decision was only advisory and of no legal effect. They had to vote one way or the other, and they voted about three and one-half to one for the purchase.

As one looks back at the question now, the voters were doubtless unwise in approving the purchase in advance of any actual valuation of the road, but even yet there is no proof that the city paid more than the actual value.

The mere fact that the city has been unable to operate the lines on a five-cent fare in the face of greatly increased costs in labor and supplies, and pay in addition 5 per cent on fifteen millions in bonds, without accumulating a deficit, falls far short of such proof. Private companies have not been able to operate profitably on a five-cent fare and pay 5 per cent on the total investment in the property, and how could it reasonably be expected of the city? It was not then foreseen that the war would end so quickly and the pressing need for increased transportation facilities cease. Although one cannot prove that more than the actual value was paid by the city for the system, there is some evidence of that fact, and many Seattle citizens now believe it to be so. Nor does that necessarily reflect upon the judgment of the voters on November 5. They had certain information given them. They thought they faced a pressing need with no possible solution except purchase. Having been here at the time, feeling the stress of the existing situation, I am unable to say that the judgment expressed at the polls was not the reasonable one under the circumstances. I am of the opinion that it was, and that it was quite the major sentiment of the community, even of the business portion of it.

It has since, because of the changing economic conditions, become popular to attack and deride the purchase, but a city is no more immune from mistakes than is a business corporation or business man, and many similar purchases made just prior to the close of the war, which when made seemed to have the support of sound judgment, turned out to be gross mistakes and resulted in financial loss. The purchase was made at a time of high prices and the city may have paid more, although how much more no one can

say, than the actual value of the road. It should not be forgotten, however, that it was worth something to the city to be relieved of the constant strife and bickering between the company and the city government. It was worth something to eliminate the "bogey" of the "electric company" from municipal politics. The city needed extensions in several districts, had been unable to obtain them and doubtless would be until the expiration of the private company's franchises. Those franchises would expire in 1934 without hope of renewal on favorable terms, and the company would undoubtedly endeavor to make during the intervening years, not only a return on its investment, but a sufficient amount to amortize its system. The purchase at this time could be made with public utility bonds, and it seemed unlikely that the city would by 1934 be in a financial position to acquire a street railway system in any other way.

THE TERMS OF THE BARGAIN

After the extra-legal expression of opinion in favor of the purchase the city council proceeded to work out the details. The most important feature of these was the security to be placed behind the bonds. The voters had approved the purchase on the representation that the bonds were to be secured only by the utility. The company asked that the city pledge itself irrevocably to pay the bonds and interest, regardless of whether the gross revenues of the street railway system were sufficient to make the payments or not. This the city refused to do, but it did establish a special fund and provide that the bonds should be an obligation only against the special fund created. The bond itself states that it is payable "solely out of the special fund of the city of Seattle known as the municipal

street railway bond fund, 1919." It was provided in the ordinance that a sufficient amount of the gross revenues of the municipal street railway system should be paid into this fund to meet the payments of the interest and principal of the bonds as they fall due, "and such fixed amounts out of such gross revenues are hereby pledged to such semi-annual payments of interest and such annual payments of principal and shall constitute a charge upon such gross revenues superior to all other charges whatsoever, including charges for maintenance and operation."

The city further bound itself "to establish and maintain rates for transportation upon such municipal street railway system which shall provide sufficient revenues to permit such sums being paid into such specific fund which the city has pledged to be set aside semi-annually for interest, and annually for principal, as herein provided, to be applied to the payment of principal and interest of the bonds herein authorized until such bonds have been paid in full, and in addition thereto all costs of operation and maintenance, and all bonds, warrants and indebtedness for which any revenues have heretofore been previously pledged."

This settlement varied essentially, many thought, from the proposal submitted to the voters. It looked like a plan indirectly to put the general fund behind the bonds. Five of the council supported it, however; two voted against; and two were absent, but were said to be opposed.

The four ordinances constituting the settlement were passed by the council on the last day of 1918, and steps were at once taken to test its legality before the supreme court. March 5, 1919, a majority of that court declared it legal¹ and on April 1 the city took over the lines.

¹ *Twitshell vs. City of Seattle*, 106 Wash. 32.

SUCCESS OR FAILURE

The wages of the employes were raised and the city faced at once the advancing costs of materials. Monthly reports were issued from time to time by the superintendent of public utilities indicating that the lines were paying, but failing to take account of any item of depreciation. The superintendent endeavored to effect economies by the institution of a skip-stop system, by a stricter regulation of the automobile traffic on the down-town streets in order to clear them as far as possible for the use of the cars, in a greater use of one-man cars and by the installation of meters on the cars to save power. He also raised with the city council the question of the cost of paving between the tracks and succeeded in getting the council to decide that the municipal lines need only pay such proportion of the cost of paving and maintenance in the business district as was fairly chargeable to the presence of the tracks in the street.

When, however, the end of the year arrived and a report was made up for the nine months of the year 1919, it appeared that if a proper allowance were made for depreciation the municipal lines had run behind \$517,173.79, and the question of the retention of a five-cent fare at once became a live issue. The management of the municipal lines figured prominently in the spring campaign and was perhaps a considerable factor in causing a change of administration. The new mayor and superintendent of public utilities were reluctant to recommend an increase of fare until they had had a chance to see whether further economies could not be made. Some such economies were made, but it soon became apparent that they were by no means sufficient to meet the situation.

Discussion of the matter continued.

It was suggested by one of the councilmen that the fares should be fixed at seven cents, which brought forth a statement from the mayor that he favored a six-cent fare only, leaving the remainder of the deficit to be paid out of the general fund. There were not wanting many people who argued for the retention of the five-cent fare, with the whole of the deficit to be paid by the general fund. It was pointed out with effect, however, that the existing tax rate rendered such a course exceedingly undesirable, and the public was reminded also that the general fund was already contributing to the extent of more than \$500,000 annually to the street railway system through the lost general taxes which the company formerly paid, through the lost 2 per cent gross earnings tax, through the lost contributions to the cost and maintenance of bridges and a portion of the lost expenditures made by the company for paving between the tracks. Perfect accuracy would require that there be added to these contributions the cost of additional clerks in the law department, the purchasing department, comptroller's and treasurer's departments and the payments now being made by the general fund for the transportation of policemen and firemen, who were formerly carried free by the private company.

While this matter was under consideration the city undertook a strict regulation of the jitneys. It was estimated that the annual income of some fourteen lines, at the rates they were charging, amounted to more than \$1,000,000 and it was urged that the jitneys were no more than parasites upon the municipal system and there was no reason why the city should permit them to operate on the public streets in competition with it. The jitneys had successfully resisted any regulation along this line until the finan-

cial condition of the road forced the passage by the council of an ordinance requiring them to be licensed by the city, providing for fixed termini, routes and schedules, and giving the superintendent of public utilities the power to recommend requirements. The superintendent of public utilities has announced some of the recommendations he will make, but so far they have not been approved by the council. If they are approved as submitted, a large part of the jitney competition will probably be eliminated, unless an initiative petition just filed proposing to repeal the regulating ordinance mentioned, and to substitute another, which is satisfactory to the jitneys, is passed.

No one knows how long the discussion over the increase of fares might have lasted, if the city treasurer had not suddenly announced that the deficit on the municipal lines was mounting so rapidly that he would be compelled on the 10th of June to place the lines upon a warrant basis, unless the income was immediately increased. The mayor and a majority of the council then agreed upon a seven-cent fare. When it came, however, to passing the ordinance the plan was changed to provide for a ten-cent cash fare, and for the sale of metal tokens upon the cars at the rate of four for a quarter. The theory of the plan was that the casual rider only would pay the ten cents, the citizens of the city paying but six and one-fourth cents. The mayor has signed this ordinance, although he expresses the opinion that it will not produce sufficient revenues to meet the needs of the municipal lines, and at this writing it seems probable that he is correct. The gross loss for the first four months of 1920 is \$468,000. The present cash deficit in the railway fund exceeds \$500,000, and that, of course, takes no account of depreciation.

In view of the turn of events it

could hardly be expected that the cry of fraud and graft would not be raised. That the sale by the company was quite to its interest could not escape even the casual observer. For at least eight years the company had contended with a hostile city government. Election after election had confirmed its bitterest opponents in power, and it saw that there was no reasonable hope of fair treatment from the city government during the remainder of the life of its franchises—they expired in 1934—and no probability that it would then be able to renew its franchise on any acceptable terms. The only present relief it could obtain was from the legislature of 1919. Prices were high and it could readily point out that the system could not be replaced for twice its original cost. If it could sell to the city, therefore, it could get its money out, put an end to current loss and trouble, and avoid probable heavy ultimate loss.

So the traction company proceeded to take advantage of the situation and to capitalize to its own benefit the strong municipal ownership sentiment of this community, and its own unpopularity. That much is certain, and it is quite sufficient to explain the result. If any illegitimate means were employed to influence the result, the evidence has not yet become public. The council, however, has voted the mayor ten thousand dollars with which to probe the transaction, and facts heretofore concealed may perhaps be uncovered.

Seattle's experience in the operation of street car lines is too short to permit many conclusions to be drawn with safety. It seems, however, to support arguments often made against municipal ownership, such as that the municipality cannot operate as cheaply as can the private company, nor so efficiently when it comes to the financial management of the road. Questions

of politics necessarily enter considerably into its administration. For instance, a private company, free to act, as is the city, would long ago have raised the fares. But raising fares, although supported by excellent business reasons and sound judgment, is not likely to be a winning bid for popular approval, in view of the fact that the great majority of a city's inhabitants pay no taxes directly, and believe themselves uninterested in the burdens thrown upon the general fund. It is very difficult, also, to protect that general fund from indirect inroads upon it. Plausible arguments spring up to justify this or that contribution, and it is the easier way in politics to yield to them. The danger from the demagogue is increased by these obvious opportunities.

A city is also not in a position to employ as cheaply or to have as effective a control over its employees. Their

number is greatly increased—here it rose from 3,000 to 5,560—and they all come under the civil service rules and administration.

As to the quality of service rendered by the city and the private company, there are varying opinions. Accurate data seems to show, however, that the city is furnishing the better service.

Seattle is boldly and courageously pioneering in the municipal ownership of almost its entire traction system. It cannot draw either from the experience or the personnel of other municipally owned and operated systems in the country. It must blaze the trail largely alone and unaided. It did not, perhaps get a fortunate start, for the incubus of a \$15,000,000 debt is a heavy one. But decreasing costs may save the situation, and it is certainly much too soon to pronounce a judgment of failure.

Seattle, July 1, 1920.

THE SOCIAL UNIT—AN EXPERIMENT IN POLITICS

BY S. GALE LOWRIE
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The Social Unit experiment in Cincinnati is generally thought of as an adventure in social work. The truth is that it is an exploration into a new field of political organization which challenges our traditional ideas of government. :: :: :: :: :: :: :: ::

I

A UNIQUE experiment in governmental organization has been in progress during the past few years. Its avowed purpose has been "to hasten the coming of democracy both genuine and efficient, by building upon a basis of population units, an organization through which people can get a clear idea of their common needs and can

utilize the technical knowledge of skilled groups in formulating and carrying out programs to meet those needs." Because the plan at first was concerned principally with health, many have regarded the Social Unit, as it is called, as a new sociological agency. "Evaluators" from the various national organizations concerned with better housing, the fight against tuberculosis, nursing and social work,

have studied it and reported upon its accomplishments, but the fact has not generally been grasped that the primary purpose has been to learn whether a new type of governmental organization will work. The advocates of this political invention believe it is capable of extension to supply an improved type of government not only for cities, but for the state and possibly even for the nation. Such an enterprise deserves a closer study from its political aspects than it has yet received. Possibly it is unfortunate that the political scientist is denied the facilities which the laboratory provides the natural philosopher of controlling the influences which may exert themselves upon the object of his test. Experimentation consequently becomes complex for the former, and we are often puzzled to decide whether results obtained are due to causes which we recognize and understand. Nevertheless, observations of these trials furnish the fact bases upon which progress in the science of government must rest. An added reason why the attention of the student should be arrested, lies in the fact that this trial government has been established in an American city, selected as typical, and the results shed light on the actual operations of the forces now within our communities as much as on the results in the little laboratory itself.

The Social Unit is based upon a philosophy which has been thoughtfully evolved. The basic principles are that government should be thoroughly democratic and policies be based upon the real will of the people, but that in formulating that will, the specialized knowledge the community possesses should be brought into play. These have long been desiderata of political scientists. The thesis that government should be established upon the

will of the governed harks back to early Anglo-Saxon principles. Such well recognized political devices as the town meeting, representative assemblies, the caucus, the primary, the initiative, the referendum, the recall, proportional representation and the short ballot have been adopted from time to time to bring about this end. Our endeavors to make public administration conform to the principles which science has deduced, though more recent, have been no less marked.

The plan of government designed to make popular control and technical skill function together, requires the formation of two councils—one to represent the general public and a second to represent technical or professional groups. The first of these is on the familiar basis of indirect representation. The smallest political unit is the "neighborhood" or block. In the district in which the experiment has been made the population of each "neighborhood" has been between 400 and 500. Each block elects a "neighborhood council" charged with the duty of educating the public at large concerning the work of the organization and the principles which lie behind it, of studying and reporting on community needs and of securing moral and financial support to carry out programs which have been approved by the general council. Each neighborhood council elects an executive who is not only the directing head of the council but its representative upon a larger group known as the citizens' council. If this form of government were to be established upon a city-wide basis, the executives of the citizens' councils would meet to form a municipal citizens' council and if a still larger district were covered, this process of pyramiding would go on so far as might be necessary. An initiative and referendum provision would com-

plete the machinery for the participation of the people as citizens in the control of their government.

The formation of these councils on a basis of population, contributes nothing new to our political experience. The principle of representation is perhaps carried to an extreme with the result that, were the governing unit very large, the executives might be rather far removed from their ultimate constituents. But the establishment of "occupational councils," marshaling the people of the community on the basis of professions or trades, and giving them an equal control in public affairs, seems unique. The reasoning which resulted in this decision arises from a belief that those who have become specialists by virtue of the devotion of their energies to some definite field, such as medicine, the ministry, dentistry or teaching, or have become printers, merchants or electricians, are thereby qualified to pass with authority upon the technical phases of public functions. To focus this skill, a second system is devised. To the representation upon a population basis is added representation by professions and trades. All those of the district who belong to recognized callings are expected to meet and organize by occupations, and to form groups similar to the citizens' groups, each with its executive. The executives of the occupational groups form the occupational councils as those of the groups of citizens form the citizens' councils. Together, these two councils form the bicameral general councils—the supreme governing bodies. Through the citizens' councils, the people are expected to "get a clear idea of their common needs" and the occupational organizations are designed to "utilize the technical knowledge of skilled groups in formulating and carrying out programs to meet those needs."

The advocates of this political philosophy have been Mr. and Mrs. Wilber C. Phillips.¹ During the winter of 1915-16, a number of persons became interested in a proposal to establish a laboratory wherein such machinery as was contemplated in the plan might be set up and its workings observed. A national social unit organization was formed in April and a fund of \$63,000 subscribed through which, together with what might be subsequently raised, it was proposed to inaugurate a three year experiment. This organization formed along the lines which it was espousing. Prominent persons were called upon to man the occupational groups. They consisted of those interested in children's work, public health, housing, neighborhood organizations, nursing, recreation, relief and statistics. Others were asked to sit as a "citizens' council," that the unit from the first might be true to type.

II

Cincinnati is a city of 402,000 people and the center of a metropolitan district of 630,000 inhabitants; 14.25 per cent of the people are wage earners—a larger percentage than in most cities of its size. It has never been considered a well organized city from a trade-union standpoint. It is one of the oldest cities in the country and has had a slower development than almost any large city in the western world. In 1850 it was the sixth largest city but each succeeding decennial census shows a recession in relative position to eighth in 1880, tenth in 1890, eleventh in 1900, thirteenth in 1910, and sixteenth in 1920. Its reputation for being a conservative city, difficult to arouse, is undoubtedly deserved; but its history shows some radical

¹ A similar plan is discussed by Miss M. P. Follett in "*The New State*." New York, 1918.

ventures. Notable among these is the construction of a railway during the seventies, 336 miles long, lying in three states—possibly the only example of a municipally owned steam railway in the United States. This property is leased under terms which yield the city \$600,000 each year over and above operative expenses and debt charges. That the spirit of municipal adventure is not dead, is witnessed by the construction, now in progress, of a rapid transit belt line originally estimated to cost \$9,000,000 but which now threatens to exceed several times this amount. Whether this enterprise is farsighted or merely fool-hardy, the not distant future may tell. The University of Cincinnati—one of the best known municipal universities of the world, receives its chief support from taxes and tops an educational system admittedly one of the finest in the country. As a musical and art center, Cincinnati has a more than national reputation. Among social workers, Cincinnati is noted because of the spirit of mutual helpfulness and co-operation which prevails among philanthropic associations. It was the first city to attempt on a comprehensive scale, the federation of the social agencies, their financing through a centralized budget, and their direction through a council of representatives.

The city's governmental organization is of the federal type common in American cities. A mayor and vice-mayor and auditor are elected for four year terms. The mayor appoints a solicitor, a director of service, and a director of safety, who controls the police department, the fire department, the department of public welfare and the city hospital. The mayor also appoints the members of such bodies as the board of health, the directors of the university and the sinking fund commission. The council is unicameral, one member is elected from each of the

26 wards, and six are elected at large. The school district is a separate unit and not a part of the municipal corporation. But more than the mere framework of government must be examined by one who would understand the actual administration of an American city. The political party machinery is always to be reckoned with, and in Cincinnati, it is scarcely too much to say that the executive committee of the dominant party is the actual governing agency. The executive committee of the Hamilton county organization of the Republican party is composed of two elements, one representing the wards and the other the large business and financial interests within the party. It is a combination for mutual profit. Each ward is under a captain who has as many lieutenants as he needs. These men know their constituencies. It has built "upon a basis of population units, an organization through which it can utilize the technical knowledge of skilled groups in formulating and carrying out programs to meet its needs." In the negro wards, it can direct elections almost to a certainty and even in wards where the voters are more intelligent, its control is very great. All of the features which have come to be associated with American political methods are here to be found. The marked sample-ballot is a lawful device of great effectiveness. The customs against which "corrupt practices at elections" laws have been directed are resorted to when opportunity and necessity unite to make them possible and useful. The number of votes controlled by the Republican organization is variously estimated around 25,000. There are some 100,000 legal voters but in many elections a small vote is cast.

But an organization of this sort needs money. Some is received by assessments upon office holders and em-

ployes and more comes from contributions from party supporters. This is why the organization needs the "business element." This latter not only aids materially in the party's financing but lends respectability to the work of the committee and so makes other contributions easier to obtain and the decisions of the committee more palatable to the community at large. The business element is composed of the heads or prominent members of some of the largest industrial organizations in the city. They are attracted by the power over the county's destinies which membership in such cabal affords. This central committee makes the slate of candidates to be supported in the elections and controls all appointments made by those it has placed in office. It also formulates party policies. The Democratic party attempts to maintain a similar organization but it is very much weaker. In recent years, it has controlled the administration for only one two-year term when the majority party had succeeded in alienating some of its strongest supporters who helped in the political turnover and installed a reform administration. This short period, remarkable in many ways for its accomplishments in bettering city administration, came to a close six years ago, due chiefly to the fact that its policy with respect to a number of troublesome strikes was not as rigorous as some of its erstwhile supporters thought it should be. Since then, the minority party has had at times but a single representative among the thirty-two councilmen and at the present time has but three. Its influence in public affairs is not great.

III

Interest of Cincinnatians was first aroused in the Social Unit when the

New York press carried notice of the formation of the national council and the statement that its first attention was to be directed toward intensive health work in a small area. For some time, the more active social workers in the field of public health had urged the formation of a small health center where an experiment might be made to see whether the death rates might not be materially lowered and sickness prevented by putting into practice the most advanced devices for health maintenance. Other social workers were interested in a proposal to increase and intensify social work in the city and in the promised opportunity to govern all phases of social work through a single co-operative agency. Some even reasoned that if \$63,000 was to be contributed from outside to be spent some place for social work, the Queen City might as well be the beneficiary. The usual indorsements and proffers of aid were easily secured from the mayor, the chamber of commerce, the council of social agencies and the academy of medicine. These were influenced by the same considerations which had weighed with the social workers and possibly by the additional consideration of some slight advertising value which might accrue from being the center of what promised to be, at least nominally, of national interest.¹ So alluringly were the virtues of Cincinnati set forth that the previous determination of the national organization to locate in Washington,

¹The same reasons interested other cities as the following from *The Town* (Baltimore), Oct. 14, 1916, shows: "It is claimed that 'the city finally chosen ought to secure a good deal of advantage, not only because a considerable sum of money is to be spent upon a very interesting medical and social experiment, but because the experiment, if successful, will awake wide attention and may radically affect the future alignment of medical and social work, not only in Baltimore but throughout the country.'"

began to weaken and the conclusion was reached that none of the other fifteen cities under consideration offered so hopeful a field. Promise of substantial financial aid was an important factor in bringing the prize to the Queen City. The budget called for \$135,000 pledged for the three year period; \$45,000 was promised in Cincinnati. Much of the sum raised outside however was for propaganda and the expense of the national organization. It was hoped that as the experiment progressed, the work would be supported more and more upon a public basis.¹

Having considered why Cincinnati desired the Social Unit, a review of the reasons why the Social Unit wished to locate in this city will prove of interest. They are:

1. The opportunity for co-operation with the social agencies of the city because of their federation in the council and the expressed willingness on their part to recede from activity within the Social Unit area or to be totally eliminated if the Social Unit should gradually extend its scope over the entire city. The social workers of Cincinnati were judged to be more open to new ideas and more free from tradition than those of any city under consideration, and quite desirous of letting reconstruction rest upon a democratic rather than upon a charitable basis.

(2) The earnest support of the head of the city department of public welfare.

(3) The municipal hospital (which is one of the finest in the world) and its close affiliation with the municipal university, seemed evidence of a receptive attitude toward democratic ideas in medical work.

(4) The anticipated co-operation of the city health department whose executive head was president of the academy of medicine and the chairman of the local committee urging the Social Unit to locate in Cincinnati. "The possibility of securing it (this co-operation) had

¹"A certain amount of responsibility must rest upon the whole city which means that some support from the public treasury must be sought." Answer to Question No. 31, *Cincinnati Enquirer*, May 17, 1917.

been a doubt in the minds of many who had heard the plan. It requires a very broad-minded public official to accept the idea of a health center controlled by the medical profession² and to join in so radical an experiment as this, with a mind open to whatever conclusions as to future health administration may be deduced therefrom."³ (With what reason this doubt was lodged will develop hereafter.)

(5) Because public opinion was prepared for the principles of co-operation and democracy upon which the unit program rested as evidenced by: (a) such community federations as the council of social agencies, the chamber of commerce and various organized forums; (b) the community consciousness as evidenced by the ownership of the municipal hospital, the municipal university and a steam railroad, and (c) the apparent enthusiasm of the people of the city over the democratic features of the Social Unit plan.

(6) The location of the city near the center of population of the United States was thought to make an extension of the idea easier.

(7) The city was believed to be typically American, with the smallest percentage of foreign born citizens of any large city in the country. No single industry predominates and the mayor promised his hearty support.

(8) The city is one of neighborhoods. The topography invites community organization, and the formation of civic and welfare associations on a neighborhood basis.

(9) Personal impressions made by citizens established the conclusion that there was exceptional material to man the councils.

(10) There was a pledge of \$15,000 per year for three years to aid the experiment.

These reasons were set forth in a bulletin published soon after the unit moved to Cincinnati. Subsequent history has led some to believe that a hasty judgment was formed. Yet this may be questioned. Each one of the ten factors considered seems pertinent to the choice of a location and practically every statement made of the virtues of the city is true, though it

²Italics ours.

³Bulletin No. 1. *History of the Social Unit Plan*. National Social Unit Organization. Cincinnati, January 1, 1917. P. 4.

might be difficult to prove that Cincinnati is endowed with some of them, especially democracy and an interest in the fundamental aspects of the unit plan, above her sister American cities. The difficulty lay in failing to marshal these assets to aid the experiment.

Not a few of those who took a leading part in securing the location of the Social Unit in Cincinnati read again, after two years, the early publications of the national organization with some surprise. It was clearly stated in all these early issues that the political experiment was the main issue—the health center merely an activity upon which this machinery should function. The numerous addresses of the executives stressed the plan of organization but the auditors became lost in a bewildering maze of circles and lines and concluded that the gist of the matter was that intensive health work was to be done in some locality in such a way that the people of the district should be taken into the plan, so it would meet with their approval, and that the physicians and social workers of the city were to help guide its processes and judge its measure of success. Even those whose interest prompted them to master the intricacies of organization, found a constantly evolving plan difficult to understand and felt the important thing was to see what could be made of the health experiment; its exact form of organization did not so much matter.

IV

Having chosen the city, city councils were formed after the manner of the national organization. The occupational council was created by asking certain individuals to sit as representatives of the professions to which they belonged. Some of these selections were ratified by the professional societies of the city. Others were chosen

for the citizens' council. After the same fashion in which the city of Cincinnati was decided upon as the seat of the trial government, competition was invited among the districts of the city which aspired to have the unit located among them. The race was not a spirited one since there were at no time more than three districts competing, and the Mohawk-Brighton district, finally chosen, was one where some neighborhood work was already under way in connection with a branch public library. Its early lead was never threatened. The section is perhaps typical of the city, though more of an average, possibly than a cross section. It comprises an industrial population of some 15,000 people largely of German extraction. It lies at the foot of the bluffs beyond which the better residential districts have long since extended, and is an older portion of the city.

Although the national organization was formed early in 1916 and Cincinnati chosen in November of that year, 1917 was half over before the district was selected and was nearly at a close before the work was under way. The district was organized in accordance to type except that, for the first time, the citizens' council represented definite constituencies while these councils in the city and national organizations had been made up of good citizens who had agreed to play the rôle of representatives but who owed their positions to the invitation of the promoters. Attempts were made to form occupational groups in the district and while some have functioned, notably the doctors' and nurses', these have never been so fully organized as the plan contemplates. About this Mohawk-Brighton general council, the city and national councils hovered, watching and waiting the long anticipated demonstrative experiment.

The organization had gathered a staff by the time the district was located, consisting of the two progenitors of the plan, who acted as executives, an executive for each council, an executive of the nurses' council, publicity agents and others. Headquarters were opened in Mohawk-Brighton. The district was divided into thirty-one "blocks" on a population basis and a person selected from each block to be the "block executive" or, as they were all women and possibly because of the nature of their work, "block mothers." The selection of these executives was subsequently ratified by elections within each block. These executives have been paid by the organization for the time they have spent. At first the rate was fifty cents an hour but, following the general trend, the "mothers" were granted a raise.

One of the first necessities was to teach these block executives the theories which lay back of the experiment and to train them in their tasks. This was done through classes and there is little doubt but they became rather deeply interested in the work and that they carried their enthusiasm back to their constituencies. One of the first undertakings was a census of the district which was made by the block executives, under direction of the staff, and upon this fact basis an enormous amount of useful community work was done. Those needing medical care or nursing were aided, employment was found for many out of work, children were kept in school and, in innumerable ways, family and household conditions were bettered. Those who have examined the experiment, and their names are legion, are usually carried away in considering the accomplishments in the awakening of community consciousness and interest on the part of the people in their own affairs. A number of picnics and contests, and

the publication of a weekly newspaper devoted to local affairs, aided to produce this result.

True to the original plan, attention was first given to health work, particularly the care of infants. A baby clinic was opened and work of an intensive nature undertaken. The intimate, current information obtainable from the census and the reports of the block workers proved invaluable. But the real opportunity came in the influenza epidemic of 1918 when the facilities for learning of cases in their early stages and the greater number of nurses available, combined to keep the mortality rate in this area unusually low. From time to time, representatives of the great national health organizations have visited the unit to appraise its work in their respective fields and their almost universal endorsement speaks high praise for the accomplishments in the type of work chosen for the experiment's activity.

The promoters had dared hope that even before the three year period had expired, the movement would have spread and begun to gain considerable momentum. To prepare the way for this growth, much time was given to a wider explanation of the plan and to general publicity as to its operation which, however valuable it might have been in itself, was not particularly helpful to its success locally. But unfortunately, almost from the start, differences of opinion arose between the proponents of the experiment and those who had been most influential in inducing the location in Cincinnati. It weighed heavily in favor of the Queen City that the mayor urged it to come and consented to act as head of the citizens' council, also that substantial financial aid was promised. What was not understood was that this approval and aid were extended only upon the earnest solicitation of well-known social

workers who practically agreed to sponsor it. These people were not presumptuous in undertaking this. A feature frequently reiterated when the unit plan was explained was that its control was to be democratic and that actual guidance was to rest with the councils who were well-known local people. But the Social Unit was not so easy to guide. Suggestions born of hard experience were turned aside on the ground that since this was "an experiment," deductions from previous occurrences had no bearing on the subject. The analogy between the political situation under which the city had lived for so many years and this new venture were too close to escape attention. In the first case, though the form has been democratic, with public officers nominated at primaries and chosen at the elections by the qualified voters, as a matter of fact, those actually in charge of the machinery of the dominant party make the citizens almost puppets. And so it proved in this case. Theoretically, the councils were to form all policies and choose all executives; the recommendations of the executives as to policies and the selection of staff members were usually approved. But since the district citizens' council has been functioning, there has been little evidence of any desire to control its decisions.

v

The difference between the originators of the plan and those locally interested in the project was basic. To the latter, it was an intensified demonstration in social work and public health administration to see if the sickness and death rate might not be lowered by applying, more thoroughly than had yet been done, accepted public health principles. The merit of the plan of control was that it was

likely to awaken the interest of the professional groups and solicit their aid as well as reach the people's representatives and secure the popular support necessary for effectively carrying out the recommendations. If successful, it might prove the value of more intensive activities which might be carried on by the city through its regularly constituted health officers. The health experiment was the essential—the form of control but an incident. The future might see the extensions of health work but hardly the installation of a new political régime. But the chief interest of the promoters was in the machinery of government. They wished to "hasten the coming of a democracy." The health center was but a trial feature. If it should prove acceptable, other government activities should be undertaken—education, public recreation and water supply or, possibly, street cleaning, garbage collection, police protection and fire prevention might successively be tried. They were more interested, however, in seeing the health center, under the new control, extended over a wider and wider area until it covered the city and ultimately the state. As it spread, other governmental and social agencies were to be supplanted by it until it should form a new order, political and social. Privately, the proponents of the idea held that industry and the professions, too, should be controlled after this same manner, but no plan to incorporate such a movement was injected into this experiment.¹

¹The executive officer of the city board of health, who had been chairman of the committee which had induced the Social Unit to locate in Cincinnati, felt called upon to explain this in a letter which appeared in the *Cincinnati Commercial Tribune*, May 17, 1917, which reads in part: "The Social Unit Plan, so far as its medical features are concerned, does not intend to discourage private medical practice. It takes the

Unfortunately for the experiment, clouds began to gather which threatened the success of the venture quite irrespective of what results the district itself would show. It was a time of unrest. America had just entered the war and whole-hearted support was needed from every citizen. Suspicion that members of the staff were pacifists and the whole project the entering wedge for socialism, had much to do with cooling the ardor of those who earlier had been its friends. Foiled in his attempts to keep the venture from obvious dangers, the director of public welfare resigned from the council and declined to have more to do with it. Thereupon, some who had promised the financial aid which had weighed in the selection of Cincinnati withdrew their contributions. Further financial embarrassment came because of the reluctance of those who undertook to raise funds for the community chest to include this as a part of their obligation. But the most conspicuous opposition came from the city officers, voiced by the mayor but owing its source to the public health department which had been so deeply interested in its coming. Certain proposals by the unit looking to an extension of public health education were regarded by the board of health to mean that the latter recede in its ac-

position simply that all people need adequate medical assistance, curative and prophylactic, and that if they cannot afford to secure this on a paid basis from private physicians, the community should supply them with the same. The situation is analogous, when any parent is permitted to send his child to a private school, but the community assumes responsibility for seeing that no child is prevented from securing an education through the inability of the parents to pay for such private education. Medical practitioners of the city should be keenly interested, in the unit plan because it aims for the first time, as far as I know, to give them a voice in the planning of public health work."

tivities and allow the unit to do for the entire city the sort of health work which had proved so effective during the epidemic. This was quite in keeping with the announced plan as set forth in their published reasons for selecting Cincinnati. "The leading social agencies," the report reads, ". . . agreed to relinquish work within the unit area when the occasion arises and have further agreed to the gradual extension of the work (if successful) throughout the city, even if this should mean in the end their own elimination as social agencies." It was in the minds of the Social Unit executives that the same rule should apply to the city's health service, that the "occasion had arisen" and that the "success" had been established. Moreover, the only major criticism to their health work might be removed by this arrangement—that it was proving too expensive. The answer to this charge was that the cost during the early stages must necessarily be high because it involved a duplication, but that as soon as the other agencies left the Social Unit in sole charge, the expense would not be unduly great.

But the board of health did not take kindly to the proposal that they turn over their duties to the Social Unit even in the Mohawk-Brighton district. They insisted that the same measure of health work would be done there as was accorded other parts of the city. The request fanned to a flame opposition which had been developing to the Social Unit in the board of health for some time, due to its political complexion rather than to any failure in the carrying out of its health work. By this time, there had been a change in the position of chief health officer. The one who had been so active in locating the experiment had died and been succeeded by the assistant chief. But even the former head had lost his

earlier enthusiasm and was quite ready to abandon the plan. The attention of the mayor was called to the proposal and consequently to the Social Unit plan itself. This was not the official who had served as a figurehead on the citizens' council when the local committee was formed and who had in fact urged the city's invitation. The present mayor's conception of public affairs is far keener. He saw the Social Unit as exactly what it is—exactly what its sponsors have insisted it is, and what the local admirers have so emphatically denied that it is—an experiment in government, tried out in the field of public health. And his judgment opposed it. He said it was socialistic—and an attempt to set up a government within a government. He was undoubtedly right in both conclusions. The city's experience with the political party organizations shows how inimical a "government within a government" may be. How much the mayor's attack injured the Social Unit would be hard to estimate; its more serious local difficulties grew out of its failure to receive financial support. The mayor seems to have contented himself with voicing his disapproval and not to have exerted himself to lay obstacles in its path. But assistance of no inconsiderable value was the indirect result of the statement because of the publicity which attached to it. Active press agents were not slow to take advantage of this and few stories went out which did not refer in some connection or other to the mayor's attack. So generally were these carried that citizens of Cincinnati traveling from home wondered whether the "Hogopolis" of their fathers—the city until recently known for its good liquor—was in the future to be celebrated chiefly as the home of the Social Unit.

VI

Since the close of 1919 was to bring the three year period for which the unit had been originally financed to a close, after which judgment was to be formed as to whether the experiment should be continued, the unit requested those associations, both local and national, which might be interested and those which were qualified, to send evaluators to appraise its work. Almost without exception, these organizations submitted reports on the work done, which were highly flattering to the Social Unit. Some, however, called attention to the danger of trying to draw statistical conclusions because of the paucity in the number of cases and some thought the cost unduly high. It was decided to hold a national convention in Cincinnati to hear these reports—or some of them—and to advise whether the experiment should be continued. Probably all the well-known local civic and neighborhood organizations were asked to hold meetings to decide whether they would endorse a continuance of the experiment and to elect delegates to attend the national convention. These local meetings were usually addressed by members of the Social Unit staff or its active supporters—those who were known to question its value were customarily invited but were usually too indifferent to convert their disapproval into determination to actively oppose it. The excellence of the health work was explained, its popularity in the district alluded to and the plan either indorsed, or judgment rendered that the work should go on. The national convention was a mass meeting of endorsers rather than a judicial body to sit to weigh evidence and form conclusions, and it too decided for the plan.

In the meantime, the financial difficulties were not being met. The renouncement of local pledges had seriously embarrassed the unit. More than that, the council of social agencies, through which nearly all the local social bodies raise their funds, had refused to include the Social Unit. The reason was a very practical one. Having judged it an entering wedge for socialism, a sufficient number of the larger givers had served notice that their funds would not be forthcoming for any of the charities if the unit were included in the council's budget—even though none of their individual contributions was to be used for the unit. Some of the agencies announced they would retire from the council were the unit included. The council was vulnerable. It yielded; first announcing that the unit's request for inclusion was denied because it was a "political" not a "social agency"—which the unit admitted. Later when the social agencies joined in a community chest which included all projects, civic as well as social, the request was renewed and again refused. Debates between the wolf and the lamb are usually futile.

Shortly after the national conference, the National Social Unit Organization united with the community councils of Greater New York and will undoubtedly again try the experiment in another locality. The Mohawk-Brighton Social Unit is continuing, with a somewhat restricted program and is endeavoring to meet a larger proportion of its costs by subscriptions from within the district.

Political and social institutions develop slowly. The three year period allotted the Social Unit for experimentation was at best a brief trial. It may have been expected that it would be necessary to lengthen this time before conclusions could ripen. As a matter of fact, hardly two years elapsed

after the Mohawk-Brighton headquarters were opened before there was a call upon the executives to give an account of their stewardship, and if the period be measured from the time the blocks were organized and their executives functioning, is shortened to but little more than a year. Nor was this a period of fair trial. Local opposition was evidenced almost from the start and during the second year it assumed some proportions. But more serious than this was the fact that the attention of the staff, and incidentally the minds of all those concerned with the unit as executives or even as citizens, was so largely turned from the problem of the experiment—to see how the institution set up in the Mohawk-Brighton district would work—to propaganda; first to prepare the way for the extension of the plan over the city, and later to advertise the project far and wide and deduce conclusions from situations still in the more elementary experimental stages. When careful uninterrupted foundation work was needed, air castles of grandeur were erected. The very substantial accomplishments of the Social Unit in its citizens' groups under these circumstances testify eloquently to the soundness of the principles upon which they are based. But the contribution has been in the field of community organization. Its effectiveness is evidenced with practical unanimity by those who have examined it. This is a fact of some magnitude, considering that pioneer work was being done in a virgin field. Evidence of the popularity of the unit among the residents of the district is shown by the vote upon its retention taken after the mayor launched his attack. Between 45 per cent and 55 per cent of those entitled to vote, approved the retention of the unit and only 1½ per cent voted against it. All adult citizens were permitted

to vote.¹ As this practically amounted to a disapproval of the mayor's stand, the great majority expressed for the unit is striking. So much cannot be said for the occupational councils. These have done remarkable work in medicine and nursing but otherwise their influence on the experiment has not been marked.

VII

The idea of the Social Unit experiment has been an appealing one to a very large number of people who have been confronted with the problems of community organization. It is to be regretted that the prospectus could not have been unfolded in its essential features, namely, an organization of citizens which would be generally inclusive, an organization of professions and trades, and a fact basis for essential data upon which information as to community needs might be predicated and discussions by the citizens and occupational groups directed. It is to be hoped that the plan may have a trial in a number of places so its operation may be observed under different circumstances. It might well be tried in a small city where the unit would comprise the entire municipal area and where there is no great divergence in the social classes—for example—in a residential satellite city of a metropolis. It would also be interesting to see it tried in a city of similar size where there is a diversity of social classes, and possibly again in a part of a large city where there has been developed some degree of community consciousness coinciding with the area of the experiment. Such trials will hardly be worth while unless given sufficient periods to prove their value

before attempts to draw conclusions are made; power in the local organizations to amend the plan if they at any time become convinced that changes are necessary so that it remains an instrumentality of their own; and greater interest in scientific investigation than in propaganda. It might be well, too, to place the financial burden of the experiment upon the community it is to serve, though "promoters' expenses" for a short period may be legitimate.

As a substitute for our form of government, the Social Unit has offered little that is tangible. There are too many questions concerning its operation as yet unanswered. It is not apparent that the citizens' councils as they are formed successively from the blocks to the largest areas, will avoid the evils of indirect representation which have been so inimical to "genuine democracy" as it has worked out in our own governmental systems; why the instructed vote will be satisfactory here when it has not been elsewhere; or how the difficulties of the large council elected by wards we have been trying to escape in our cities will become virtues under the Social Unit system. On the administrative side, the system seems to be weak in providing no method of selecting expert administrators and still more weak in avoiding any administrative cohesion or centralized authority. The staff of the Social Unit, it is true, is of such unusual ability as to seem to answer one of these criticisms. But these efficient members were selected first by the executives and later elected to executiveships. This suggests the tendency for a strong extra-governmental organization here, such as grew up in our own political system in the party, which became strong by absorbing features of government when the regularly instituted agencies

¹The number qualified to vote was 7,563; 4,154 votes were cast; 4,094 in favor of the retention of the unit.

were weak. Imagine motives of a sordid and selfish character in place of those of altruism and public service, which have always dominated those who have had charge of the experiment, and one is driven to the conclusion that a governmental type more easily corrupted could hardly be erected upon a democratic basis.

It would be difficult to predict how the occupational councils would operate. There is less in our political experience to guide us. The desirability of having the professional groups mindful of the governmental problems lying within their respective fields and ready to advance the helpful suggestions which the most recent discoveries of science afford, is evident. It is hard to tell how far we should give power to these specialists—how far we should go toward allowing the schools to be controlled by the school teachers; the dental regulations written by the dentists; the health regulations by the doctors and nurses; the building code by the carpenters and architects; or the plumbing code by the plumbers. Possibly the interaction of one group upon another and the necessity of having these decisions approved by the citizens' councils would maintain a sufficient balance. So far, we have hardly been successful in getting our

professional groups to concern themselves about the public aspects of their professions except as this might be necessitated by their private practices. And many have been slow to learn that public problems frequently differ from private ones. This may be just what is needed to stimulate that interest but, on the other hand, it might be dangerous to repose control before that interest is aroused.

The contribution of the Mohawk-Brighton Social Unit is in the field of community organization—not in the evolution of a new form of political control. And because, in spite of the obstacles which have been placed in its path, it has progressed—and in spite of discouragements it has remained hopeful, it has been able to survive and operate one of the most democratic social experiments that has been made. When community and popular industrial organization are evidently on the eve of a great expansion, this attention to basic social institutions is opportune. Whether the Social Unit idea is destined to prove a lasting one, or whether it is only one which in passing drops helpful suggestions,—already it has materially aided in bringing the democracy, genuine and efficient, it was its purpose to establish.

DEPARTMENT OF PUBLICATIONS

I. BOOK REVIEWS

PARLIAMENT AND REVOLUTION. By J. Ramsay Macdonald. New York: Scott and Seltzer, The New Library of Social Science, 1920. Pp. 180.

Mr. Ramsay Macdonald's *Parliament and Revolution* may best be conceived as the resultant of a parallelogram of forces. On one side the author feels the stress of a strong conviction that Russian Bolshevism will never do for England, but he is quite well aware that many of his party comrades are hurrahing for Lenine and that it is advisable to let them down as easily as possible. On the other side he is thoroughly disgruntled with the English parliamentary system, particularly since the election of 1918. At the same time he realizes that this system must be used as the basis of the sweeping but peaceful transformation of society to which he looks forward. The resultant diagonal takes the direction, first, of an acceptance of the ends of Bolshevism coupled with more or less criticism of its methods; and, second, of a denunciation of British political and economic life coupled with certain proposals for its thoroughgoing reform.

In his palliation of Russian Bolshevism Mr. Macdonald uses all the old familiar arguments drawn from the horrors of the Czarist régime, the terrible losses inflicted by the war, and the subsequent malevolence of the capitalistic Entente. Thus with a rather naïve cocksureness he observes that: "The Recording Angel, who sees more truly than men see, has put down the crimes of the past years in Russia not to the Soviet Government, but to France, Great Britain and America, and on their doorsteps history will lay them." The Soviet franchise is defended both as necessary to give political support to the revolutionary government and as equivalent to basing the right to vote upon service. However no reference is made to the fact that the ballot in the hands of the Russian city proletariat is given five times the value of the ballot in the hands of the peasant, although the latter is certainly a "service-giver" from every possible point of view. Mr. Macdonald recognizes clearly the danger of the indirect system of electing the higher soviets. His principal criticism of

Lenine's policy is turned, albeit with surprising mildness, against the use of repression. By implication rather than by argument the author seeks to leave the impression that, after all, Soviet repression is exactly the same in principle as capitalist repression, the only difference being in the classes chosen to feel the heavy hand of power. Morally both kinds of repression are equally bad; politically both breed revolution.

The general course of Mr. Macdonald's argument may be observed in the following sentences dealing with freedom of the press. "In the full sense of the term there is no such thing as liberty of the press. The press, as everyone of its many victims knows, is an instrument used to pervert opinion, the exceptions being very rare. But Lenine's methods of dealing with it cannot be accepted by anyone who believes in the regenerating power of liberty.—For a 'dictatorship of the proletariat' to compel the organs of a counter-revolution to publish articles telling the truth about the revolution is a far wiser and better paying policy than to suppress the pernicious sheets."

Mr. Macdonald's criticism of parliament and parliamentary elections, based as it is upon his long experience in British labor politics, is exceedingly well done. At times it reaches a poignancy of pessimism that recalls Jeremiah. Fundamentally, however, he is unwilling to give up representation of territorial districts in favor of the representation of groups of producers. Rather he prefers to combine the two, and to this end he proposes to substitute for the House of Lords "a Second Chamber on a Soviet franchise." With rather careful limitations he is willing to accept direct action in British politics, meaning thereby chiefly the political strike carried on by powerful trade unions in fundamental industries.

Mr. Macdonald's book should prove of interest to American students of politics. At the present time when we are entering upon a thoroughly old fashioned presidential campaign it will serve to bring out sharply the contrast between American and English political issues. So far as it involves the treatment of Bolshevism the book is too equivocal and at the same time too

doctrinaire to please any group except Mr. Macdonald's own following in the I. L. P. It affords little warrant for the publishers' enthusiastic belief that "this book is as important a contribution for our day as was the essay on 'Liberty' by John Stuart Mill for his time."

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NEW IDEALS IN THE PLANNING OF CITIES, TOWNS AND VILLAGES. By John Nolen. New York: American City Bureau, 1919. Pp. 139.

This little volume was prepared as one of a series for the overseas army, by the Department of Citizenship, Army Educational Commission, when there were yet nearly as many Americans in France as there were in the colonies prior to the signing of the Declaration of Independence. When the rapid return of the men began, all such educational work was stopped; wherefore this book did not get to work. As its purpose was "to present fundamental principles, and stimulate intelligent study of the problems of citizenship," its publication was fully warranted; for lamentably few American citizens know enough of their privileges, duties and limitations!

Mr. Nolen is not only a successful working town-planner, but he has a gift of terse expression which has made his books very useful. The present volume was aimed at quickly impressing upon the chance man abroad as a soldier his opportunities at home, and its simplicity of statement will serve quite as well for the civilian.

At the outset Mr. Nolen impresses his readers with the fact that it is replanning rather than planning that is most to be done. There are eleven chapters, one of which reviews the federal government's housing experiments and sets out certain exceedingly important standards which are thus now made easily available at a

time when the housing rush makes attention to them vital if we are to build homes rather than more slums.

This is a good book for the student, and the adept will find it also convenient to use in converting the doubtful. It would be a better work if it was not mechanically offensive by reason of its bad margins and untrimmed edges.

J. HORACE MCFARLAND.

TOWN PLANNING: A PROGRAM OF CIVIC PREPAREDNESS FOR VERMONT COMMUNITIES. K. R. B. Flint. 1919. Pp. 70.

This pamphlet issued in the Norwich University Studies is another evidence of the mounting interest in practical citizenship which is such a hopeful sign of the times.

In succinct paragraphs are stated the working bases of town planning broadly considered, as may be noted in the recital of the twelve section headings, History of Town Planning, Principles of Town Planning, Community Organization, Local Government (which includes a survey of Commission-Manager and other forms, and the Vermont Town Manager law), Streets and Roads, Public Health and Safety, Agricultural Development, Town Forests, Industry and Trade, Social Life in the Community, Town Beautification, Where Your Community Can Get Help. There are also references for books and other aids.

So many subjects are tersely covered in this excellent pamphlet that one wishes it might be a national high-school standard rather than a state university requirement. Prof. Flint has made an admirable collection of the definite facts of community relations, and it is worth while to hope that other states will come to have as useful a publication.

J. HORACE MCFARLAND.

II. REVIEWS OF REPORTS

London Traffic.—An Advisory Committee on London Traffic appointed "to advise the Minister of Transport and to assist the Ministry in dealing with . . . London Traffic," held sessions from November 10, 1919 to March 18, 1920. The problem with which the committee was called upon to deal is stated as follows:

"(1) To co-ordinate and improve, by the promotion of friendly relations among all the Operating or Controlling agencies concerned, existing forms of London Traffic, so far as possible through powers already in existence.

"(2) To consider and recommend the action which should be taken to place the future control of London Traffic upon a permanent basis,

either by the creation of a controlling Authority with specified composition and powers, or otherwise."

The subject matter of the report¹ is treated under four heads: work accomplished, present and future needs, financial considerations, and the London Traffic Authority.

Under "work accomplished" the committee outlines its recommendations for effecting improvement in present conditions by reducing the number and establishing regular stopping places for omnibuses; by the pooling of tram-cars and increasing their average speed, through tramway running, etc.; by spreading or reducing the rush hour "peak load" "by varying the times of beginning and ending the daily work of employes in certain classes of business." Other expedients were also considered which are of more or less importance.

While deploring the inadequacy of existing authority to properly deal with the problem to be met, the committee nevertheless believes it is entitled to claim that it has "brought into effective co-operation conflicting agencies which in the past have shown a tendency to regard each other as uncompromising competitors whose differing points of view seemed incapable of adjustment."

In discussing future needs, figures are given on the growth of "travel" on the different transit facilities of London, showing that these facilities "are no longer equal to the demand made upon them." To indicate the full significance of these figures a few have been selected for comparison. In the case of the Tube Railways, 69,000,000 passengers were transported in 1905, while in 1919 the number had increased to 266,000,000, an increase of 197,000,000, or over 285 per cent in fourteen years. In 1905 the number of "journeys per head" of the entire population by all means of transport was 157, while in 1919 this had reached 350, an increase of about 123 per cent in fourteen years. The population in 1905 was 6,857,694 and in 1919, 7,356,653—an increase of 498,959, or about 7½ per cent in fourteen years.

These statistics apparently well justify the declaration of the Report of the Select Committee (1919) that, "the outlook for travel facilities of the people of London, as regards congestion

. . . is very disquieting, both in the immediate future and in the years to come."

After calling attention to the fact that "the Traffic Undertakings" of London are financially embarrassed and unable to extend their operations the Committee says: "London requires new tube railways, in all cases linking up with main line railways; new tramway extensions, which will make for greater carrying capacity; a more scientific development of omnibus traffic, and, above all, a just and true perception of the proper functions of each form of transit in order that wasteful competition may be avoided, and each used to its highest efficiency." Much of the "existing traffic confusion and congestion" results from a condition in which "each form of transport finds itself competing against every other form with less reference to the passenger than to the operator." "It must be established where, why and when train, tram or bus, respectively, is to be regarded as the most suitable form of transport."

In discussing the operation of the "Combine" (a pooling of certain interests and earnings) under war conditions the committee express the opinion "that with proper safeguards maintaining fair competition among all forms of transport, whether operated by the 'Combine' or otherwise, and with due publication and examination by the Traffic Authority of the returns and receipts of each constituent of the 'pool,' the interests of the public need not be prejudiced by such financial arrangement as that approved by Parliament for the 'Combine.'"

Admitting that the problem is complex, the committee says in reference to fares: "We do not suggest that the new Traffic Authority should have the power to fix or vary fares for the obvious reason that these control the methods of operation, and any Traffic Authority claiming powers to settle the terms on which passengers are to be carried must be prepared to subsidize or, in case of need to operate." It is not apparent why there is any great objection to giving the Traffic Authority the right to operate if it is to the general advantage or to the public interest that this be done. The committee appears to be under a slight misapprehension about the situation in Cleveland (Ohio) where, they say, "the Company operates the tramways belonging to the City. . . ." The fact is that the company owns the property and operates it, while the city regulates the service and fixes the fares.

¹ Report of the Advisory Committee on London Traffic to Minister of Transport, London, 1919, 38 p., Cmd. 636.

It is not necessary to review the report in detail to gather that both the service and finances of London transportation are in little less than a chaotic condition as far as meeting present and future needs are concerned. And what is said in this report of London can be said with almost equal application of any large city.

One of the principal recommendations is the creation of a Traffic Authority to be appointed by Parliament as a permanent body under the Minister of Transport. The functions of the Traffic Authority would include the preliminary examination of bills affecting transport in the London area; making surveys and preparing plans for improving traffic facilities; the study of all town planning and housing schemes on the basis of "traffic grounds"; the preparation of an authoritative general development plan to which all new London transit schemes should conform; co-ordination of all passenger transport agencies; selection of traffic routes to be followed; fixing building or frontage lines on streets; application of remedies for impeded "street locomotion"; scientific research work in relation to the problems of transport and traffic; the right to initiate or oppose traffic legislation, regulations and by-laws, and to deal with the revision, simplification, codification, and extension of traffic legislation, regulations and by-laws now in force so far as the London area is concerned; the confirmation of all new traffic by-laws and the fixing of speed limits; arbitration in case of dispute regarding apportionment of costs of improvements affecting several areas; the approval of designs for road vehicles used for the transport of passengers.

While the committee has mapped out a fairly comprehensive program to govern conditions obtaining under the régime of ownership and operation by private interests for profit, it may be questioned whether this method of furnishing transportation service is not so fundamentally unsound that it can never be made to work satisfactorily in large cities. Can we, in other words, look to private interests to maintain adequate transport facilities in the vast metropolis of London or in any other great city? Transportation is "one of the most technical problems in modern civilization."

CHARLES K. MOHLER.

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Rural Community Buildings in the United States.—At a time when men are thinking in terms of community organization, and local democratic effort is looked to for the answer to

many social problems, it is gratifying to find the United States Department of Agriculture publishing the results of a study on community houses in rural neighborhoods. ("Rural Community Buildings in the United States," by W. C. Nason, United States Department of Agriculture, and C. W. Thompson, Bulletin no. 825.) The interest in rural community houses is an increasing one; for of the total of 256, 248 have been built since 1900, 201 since 1910 and 90 since 1915. The great majority of them are products of the last ten years. The war probably reduced the number built during the period of the struggle, but the community spirit that was born in so many places as an outcome of the war will undoubtedly result in the erection of many community houses in the next decade.

The study does not mention the community houses listed by the bureau of community memorials of the war camp community service; houses built, as may be surmised, partly as memorials to those who gave lives or services in the great struggle.

It is to be borne in mind while considering the recent development of community house building in rural districts that a somewhat similar growth has taken place in cities. There has not been the universal response in the cities that there has been in the rural districts and because of the number of organizations found in urban situations the city community house is apt to be more of a co-ordinating center of organizations and to take a less prominent part in the life of the community than in the country.

Another consideration to be borne in mind while reading the conclusions of the study is that many of the community houses listed are not in what would be strictly speaking rural communities. Some of the communities mentioned are suburban or small manufacturing towns rather than neighborhoods depending, directly or indirectly, mostly on agriculture. Of the 256 buildings 201 are in places of 2,500 inhabitants or less; 83 are in the open country. It is interesting to note that 25 are school community buildings, 29 are church community buildings, nine are farmers' fraternal society buildings, and eight are library and community buildings.

The bulletin gives a very favorable impression as to the success of efforts for community houses and in general this is undoubtedly justifiable. On the other hand those interested in community organization know that buildings termed

community houses have not been entirely successful in eliciting general support and interest. It is to be hoped that later studies will indicate what methods of organization and financing are most productive of general participation in the support, control and operation of the house and its activities.

Five ways of financing are listed by the study, namely, (1) By local manufacturing concerns, usually having in mind the welfare of employees; (2) Through individual donations or partly by individual donations; (3) Through club or society initiative. Often these buildings have been erected primarily for the use of the specialized organization and the burden of building and support has fallen largely upon it. Its use also has been primarily for the specialized organization. (4) By the local government; (5) Through community endeavor, in which case money is secured either by sale of stock in a community organization or through the solicitation of general contributions in the form of labor or materials or cash.

Because autocratic control of a community house may preclude the development of a democratic community spirit and the formation of the ability to work together on the part of the people of the neighborhood, it is to be hoped that the fourth and fifth method of financing will be developed much more extensively and that manufacturing concerns, individuals or organizations which initiate community enterprises will as rapidly as possible put the administration and the obligations of the community houses, financial as well as other, into the hands of representatives of the community.

The size of the buildings, the cost of construction and the budgets necessary for their maintenance vary considerably. In general, according to the study, from 5 to 10 per cent of the initial cost of the plan must be paid out annually for maintenance. Most of the buildings, especially those found in the open country, contain an auditorium, an athletic room or a dance hall. Many of them include a stage and a kitchen equipped for serving. Sometimes there is a library, reading room, a game room, a woman's rest room and rooms which serve as meeting places. In strictly agricultural communities some of the houses have agricultural exhibit rooms or rooms especially for the county agricultural agent or the county home demonstration agent.

The general conclusion of the study is that:

"If the value to the neighborhood of a community building is to be estimated by the uses to which it is put and the needs which it satisfies, then this study would indicate that the community building as a general rule must be accorded a high place. Not all communities which own them are awake as yet to their potential possibilities, but there are enough examples of efficient use combined with far-reaching plans to warrant the conclusion that they will prove to be effective instruments in the improvement of rural social conditions."

The work of the authors is to be commended and the Department of Agriculture urged to continue studies of this kind and especially to carry this particular study further. There is no one method or plan of building or organization that will fit all situations, but it would be very helpful if the department could indicate the types that have been most successful under certain conditions. The bulletin is descriptive, largely of building, form of organization, type of activity, etc. It would be very helpful to know much more about the organizing experiences of those who took the lead in each instance.

LEROY E. BOWMAN.

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STREET TREES. By F. L. Mulford, Horticulturist, United States Department of Agriculture. Bulletin No. 816, issued by the Bureau of Plant Industry, January 19, 1920. Pp. 58.

It is an encouraging sign of the times that even that department of the federal government devoted to the open country begins to recognize the desirability of giving attention to the half of us who live in cities. This bulletin on street trees could not, by anything but a remote stretch of relationship, be considered as applying to the practice of agriculture throughout the land, but it is none the less an important and desirable contribution to the comfort, health and advantage of those of us who buy the farmer's products.

In scanning this bulletin one is impressed with the idea that the United States cannot be considered as a unit in making individual recommendations. Street trees for the Middle States are one thing, but street trees for the far South or the far North, or for the Pacific Coast or the wind-swept plateaus of the Northwest, are another and very different thing. Mr. Mulford has endeavored to give separate treatment to all these regions. A carefully made zone-map outlines the regions within which essentially

similar conditions for tree growth are assumed to exist.

It is not necessary to agree with all of the conclusions of the author to know that the bulletin itself is both wholesome and important and worthy of large circulation. It briefly discusses the importance of shade trees, with pictorial examples not too excellent in their photography or reproduction; insists that trees should be publicly controlled and that the streets should be planned for trees; that proper spacing should be adopted and proper conditions be provided for tree growth; and then rather extensively discusses the kinds of tree suitable for city streets. This latter section takes up all the regions outlined in the map referred to.

The important subjects of pruning and of guarding the tree against injury while it is attaining strength, are well treated. There is some information with respect to fighting tree enemies, and an excellent bibliography of related bulletins issued by the United States government.

The information thus summarized in this bulletin of fifty-eight pages might easily form the basis of a book to cost a dollar or more. It is supplied by the Superintendent of Documents of the Government Printing Office at 15 cents per copy, and is commended to those who want to help make cities better to live in and American street trees better to look at.

J. HORACE MCFARLAND.

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NOTES AND EVENTS

I. GOVERNMENT AND ADMINISTRATION

Ball Rent Law Held Unconstitutional.—The act of congress of October 22, 1919, known as the Ball rent law and establishing a rent commission has been declared unconstitutional by the court of appeals of the District of Columbia. Under the act the commission is authorized to determine and fix fair and reasonable rates; to prolong tenancies beyond the expiration of leases; to prescribe the standard forms of leases and to grant permissions and determine rentals for sub-tenants. The decisions of the commission are subject to appeal to the court of appeals of the District. The act declares that all rental property is effected with a public interest and is accordingly subject to such peculiar regulations and conditions as to fair and reasonable charges and service as usually attend such properties. The fact that the Ball act is being used as a model by city attorneys and city councils for ordinances to check rent profiteering gives added significance to the decision of the court of appeals.

The case arose through the suit of a purchaser of a certain property to recover possession from the tenant, whose lease had expired. The municipal court gave judgment for the defendant and plaintiff appealed, denying the constitutionality of the act.

The majority decision held that the renting of property in the District of Columbia is a private business, whether the tenant be an employe of the government or not, and cannot be made public or impressed with a public interest merely by legislative fiat. The act is therefore unconstitutional.

In a dissenting opinion Chief Justice Smyth held that the business of renting property in the District of Columbia is effected with a public interest and was made so by emergencies growing out of the war resulting in rental conditions dangerous to public health and embarrassing to the public business.

The power of the commission to extend leases was the only question involved in this case and the specific fixing of rental prices by the commission was not considered.

The United States supreme court declined a writ of error on technical grounds. In the

meantime the rent commission is functioning as usual. It is believed that before long the court of appeals will hand down a decision concerning the rent-fixing part of the Ball act which can then become the basis of an appeal to the United States supreme court.

✱

Campaign Opens for Fifty Ward Law for Chicago.—The Chicago council now numbers seventy, two aldermen being elected from each of the thirty-five wards. At present the wards show great inequalities of population. The smallest contains a population of 35,000; the largest 150,000. Naturally, a council elected on this present basis is reluctant to pass a fair redistricting ordinance.

A campaign, backed by numerous civic organizations of Chicago, including the city club, the bureau of public efficiency and the municipal voters' league, is under way to compel a second referendum on the fifty ward law, passed by the last legislature. A similar referendum failed to approve the law a year ago.

The law provides that the council redistrict the city into fifty wards within three months after the adoption of the act by the people. Only one alderman is to be elected from each ward thus reducing the size of the council. The pay of aldermen is to be increased from \$3,500 to \$5,000 and the term will be two or four years, as the referendum may determine.

It is estimated that the saving through the adoption of the act will be more than \$400,000 every other year by the elimination of annual elections. It is believed that a fair redistricting under which outlying residential territory will secure equal representation in the city council will lead to marked improvement in the personnel of that body, and that single member districts will mean definite location of responsibility upon members of council.

✱

Seattle Monopolizes Garbage Collection.—The Seattle council recently passed an ordinance after much controversy providing for the collection and sale by the city of garbage from all restaurants. It was strenuously opposed by

hotel and restaurant men who asserted that the city in taking over the collection and sale of garbage from their places of business will deprive them of a source of revenue aggregating \$200,000 annually. Under the old system, the owners of eating-houses sold their garbage by contract to owners of hog ranches. Advocates of the ordinance declared it necessary as a public health measure in order to give the city jurisdiction, so far as sanitary measures are concerned, over hog ranches.

Under the ordinance as passed, the city of Seattle is given exclusive right, through its authorized agents, employees and contractors, to collect garbage within the limits of the city and to transport the same over public streets and to dispose of the garbage thus collected. All others are forbidden under penalty of the law from collecting garbage.

Chicago's Equal Representation in the Legislature seems about to be denied by the constitutional convention now being held in Illinois. The committee report limiting Chicago's representation to one third of the senate and to one less than a majority in the house of representatives was adopted once but later reconsidered and now awaits final disposition when the convention reassembles in the fall.

In protesting against such action, the citizens' association of Chicago predicts:

"Should that proposal be finally adopted as a part of the proposed new constitution it will undoubtedly meet with defeat when submitted to the voters of Cook county and will be likely to carry to defeat the remainder of the proposed new constitution."

Unable to agree on the degree of Cook county limitation the convention adjourned until September 21, but it is feared that little will

be accomplished during the election campaign and that the work of the convention will be delayed.



Rochester, New York, Adopts Service at Cost.—Rochester has entered into a service at cost agreement with the New York state railways, the corporation which operates the street car system of the city, to extend for a period of two years, subject to renewal if the city so desires.

The agreement goes into effect immediately. It provides for a commissioner of railways appointed by the mayor at a salary of \$12,000 per year to be paid from the revenue from the street railway lines. The commissioner of railways has practically absolute control over the operation of the lines, being empowered under the terms of the agreement to direct the construction of extensions and betterments, the routing and re-routing of cars, the headways, stops, etc. He is empowered also to employ a staff sufficient to keep him thoroughly informed as to the operation of the lines, but is not permitted to operate the lines as executive.



Louisiana to Tax Industries Extracting Natural Resources.—A bill establishing what is known as a license severance tax has become law in Louisiana. It levies a license tax annually upon all persons or firms engaged in extracting natural resources from the soil or water, including timber and forest products, at the rate of 2 per cent of the gross value of the natural resource extracted. It is expected to bring to the state between two and three millions dollars annually and the proceeds are to be devoted to the construction of a greater agricultural college and to extensive improvements in the state charitable institutions.

II. JUDICIAL DECISIONS

Zoning Regulations in Detroit.—The common council of Detroit enacted a general zoning ordinance providing for the protection of certain sections where more than 60 per cent of the frontage in any particular block was residential. The city plan commission was preparing a comprehensive zoning law, but to save certain streets from factory encroachment, this emergency ordinance was passed. Its validity was defended on the city's implied police powers. The

court held that notwithstanding the constitution gives general powers to regulate municipal concerns, or the so-called home rule act, providing for protection of public health and property, and for regulation of trade and occupations, the city of Detroit was without authority, under the guise of its police powers, to impose restrictions on otherwise unrestricted property by a general zoning system excluding trades and business from particular areas.

Telephone Rates.—The Virginia state corporation commission took into consideration the probable loss in the number of subscribers to a telephone system indicated by the results of a previous increase in rates, in connection with a proposed further increase since the value of the service to the remaining subscribers would be lessened, and they would be obliged to carry the burden of increased operating costs per telephone.¹

Sale of County Bonds.—Under a Minnesota statute counties are granted power to issue and sell bonds for the purpose of refunding their floating indebtedness, but the bonds cannot be disposed of for less than their face value with accrued interest. The county board of Cook county contracted to have an agent prepare and market the bonds, engrave them, and have a competent bond attorney pass upon their validity, and as compensation he was to receive one-half of 1 per cent yearly on the bonds issued. The court held that the grant to issue and sell bonds carried with it implied powers to make such a contract, if it appeared reasonable and necessary for properly disposing of the bonds.²

Pasteurization of Milk.—The validity of a Milwaukee ordinance, requiring that all milk sold in the city be pasteurized by either the holding, or the flash system, was attacked on the grounds that the prescribed pasteurization does not promote the public health, because the milk subjected to it is deteriorated as a food product, and that it in no way tends to make or preserve the milk as a more healthful article of food. To this the court replied, that the best method of

pasteurizing is so generally understood and known that judicial notice of the facts thereof will be taken.³ The objection to the method adopted by the common council for the pasteurization of the city's milk supply cannot avail in this case for holding the ordinance invalid, because that subject is one within the legislative power of the common council under the powers conferred by the city charter.

Crowded Street Cars.—In the great majority of cases, the courts have regarded the over-crowding of street cars as a controlling, or at least, as a material element in determining the liability of a street railway company for injuries to passengers caused by or resulting from such over-crowding. In a recent Massachusetts case the court held the company not liable for injury to a passenger pushed out of the door by the crowding of the passengers when the door opened to discharge passengers at a stop.⁴ The theory seems to be that over-crowded street cars during "rush" hours is a common experience, and that the test must be whether or not there was reason to expect that anything unusually dangerous would happen.

War Veteran Preference Law.—A statute enacting that no honorably discharged soldier, sailor or marine in public employment shall be removed, except for cause and after a hearing, was held not to preclude the abolition by the proper authorities of an office or position held by one of the designated class, provided, however, that such action is taken in good faith and for the betterment of public service.⁵

ROBERT M. GOODRICH.⁶

IV. MISCELLANEOUS

The New York State Conference of Mayors and other city officials held its eleventh annual meeting in Jamestown in July. Central purchasing, municipal bonding and taxation, budgets, pensions and the educational problem were the principal matters discussed.

The mayors' conference working through various committees is proving a potent force in New York politics. During the past year it successfully resisted several attacks on the home rule principle in the form of mandatory laws which would have increased the cost of city

government contrary to the wishes of the cities, as well as effectually opposing further extension of tax exemptions and increased privileges to certain privately owned public utilities. The city officials have every confidence that municipalities can manage if free from outside interference and if all activities of local government are centralized in their hands. To this end they oppose attempts of the state department of health and state department of education to

¹ 177 N. W. 850.

² 123 N. E. 681.

³ 89 Atl. 53.

⁶ Detroit Bureau of Governmental Research.

¹ P. U. R. 1920C.

² 177 N. W. 1013.

create separate governmental agencies to administer local functions.



Chamber of Commerce Conducts Civic School.

—The chamber of commerce of Middletown, Ohio, has started a "civic school" to inform the people of the city on affairs of state. At the first meeting the financial condition of Middletown under the Ohio tax limit laws was discussed. Both men and women attended. Questions were asked by the "scholars" and answered by the "instructors." The "school" was opened by serving a buffet supper, and further sessions are planned, to be devoted to local, state and national subjects. The promoters believe that civic indifference springs from ignorance of political matters and have taken this means to acquaint the citizens with the fundamentals of government.



Local Government Officers Organize Trade Union.—By a vote of 23,000 to 7,000 the National Association of Local Government Officers of Great Britain has decided to transform itself into a trade union. This association has been

quite powerful in the past and includes such important local officers as city treasurer, town clerk, and departmental superintendents. In this connection the *Local Government Service* reports that Whitley councils continue to be formed in the public service similar to those in private industry.



The Southwestern Political Science Monthly.

—The first issue of this magazine, published by the southwestern political science association, has made its appearance. It is to be devoted particularly to the political problems of the southwest. The first number contains articles by H. G. James on the Meaning and Scope of Political Science and by F. F. Blackly on Municipal Home Rule in Oklahoma.



In the editorial caption of the article "The Medical Examiner Versus the Coroner" by Charles Norris in the August issue of the *NATIONAL MUNICIPAL REVIEW* the reference to thousands of homicide cases was an error. It should have been hundreds.

CITY MANAGER MOVEMENT

PROGRESS OF MANAGER PLAN IN ONE HUNDRED EIGHTY-FIVE CITIES

BY HARRISON GRAY OTIS

These short stories are compiled from reports appearing in the year-books of the City Managers' Association. The series began in the May issue of the REVIEW, and covers the entire country by sections. The October chapter will be entitled: "Pacific Coast Cities under Manager Government." :: :: :: :: :: :: ::

IV. TEXAS AND OKLAHOMA TURN TO MANAGER PLAN

THERE is no stronger evidence that the manager plan is here to stay than the fact that nowadays whenever a charter is to be drafted or revised it seems to be taken as a matter of course that it shall conform to the city manager idea. The oil fields of Texas and Oklahoma bear striking witness to this development. Texas now has 19 city manager municipalities and Oklahoma 13. Of these 32, 13 have adopted the new form within the past 18 months and many other cities will vote upon the change in the near future. It is also significant that several cities formerly operating under the older commission plan have advanced to the ranks of commission-manager municipalities.

TEXAS

Amarillo, Texas, was the first city in the country to discard its old style commission government for the more modern commission-manager model and for a period of one month was the largest city in the country to have a city manager. All but two of the Texas cities have entered the list by adoption of new charters. The "lone star" state stands next to Michigan, having the second largest number of cities pledged to the manager plan.

Oil Town Incorporates under Manager Plan

RANGER. Population. 18,000. Commission-manager charter effective May, 1919, with M. A. Turner, manager; salary \$5,000.

The population of Ranger increased from 1,000 to 18,000 within two years and at the time of adopting its new charter it was the largest unincorporated community in the country. The rapid growth, due to the oil industry, has created a series of big problems to be handled by the city government.

The business methods made possible by the manager plan have permitted the handling of these problems with despatch and at the bond election held last September nearly \$1,000,000 was authorized for paving and for public improvement.

A peculiarity of the Ranger charter is that it stipulates that all employees including the city manager be residents of the city prior to their appointment. It is explained, however, that a declaration of intention to make Ranger his home may qualify a candidate for appointment and he may enter upon his duties fifteen minutes later if the council consents.

Mr. Turner is 45 years old and ex-

perienced in public welfare and chamber of commerce work. He has recently resigned as manager and his successor has not been announced.

Adversity Proves Manager Plan Flexible

SAN ANGELO. Population, 16,500. Commission-manager charter effective June, 1916. E. L. Wells, Jr., manager; salary \$2,500.

During the past year the city authorized \$500,000 water and light bonds in continuance of the improvement program adopted following the war.

Shortly after the adoption of the new plan, San Angelo suffered the worst drought in the history of the southwest. The manager plan showed its efficiency by allowing immediate retrenchment of expenses.

The duties of tax collector and tax assessor were taken over by the manager. The bookkeeper was made city secretary, the chief of police became also sanitary inspector, the city engineer became fire marshal, and the forces and expenses in general were reduced.

Had any of the deposed officers been elected or appointed because of political affiliation, their summary removal would have been difficult, if not impossible. The drought is now broken, and a program of improvements is under way.

In spite of these handicaps, the following achievements are noted: installation of the unit system for tax valuation; institution of a budget system; organization of municipal health board; and complete motorization of fire department.

A surety company was required to repair pavement at cost of \$9,000, and legal proceedings started against other surety companies to recover costs of similar repairs covering several years. Some \$100,000 worth of wood pave-

ment was relaid and a modern sewage disposal plant erected.

The fire insurance key rate was reduced from 56 cents to 31 cents and the city secured from the state fire insurance commission a good fire record credit of 15 per cent on the total amount of all premiums written during the past two years, at an annual saving of \$10,000 to the citizens.

An attempt to overthrow the manager plan was defeated by a large majority in July, 1918. At a recent bond election, the city voted \$500,000 to establish a water and light plant.

Mr. Wells is 51 years of age and had a long business career before becoming manager.

A Record That Won Approval

SHERMAN. Population, 15,031. Council commission-manager charter effective, April, 1915. O. J. S. Ellingson, the second manager, was appointed April, 1916; salary \$3,600.

At the spring election last year the manager plan was strongly endorsed by an overwhelming vote for the citizens' ticket consisting of friends of the new form. A pamphlet called "Facts and Figures," published at the time of this campaign, contains the following information:

During the five years since the adoption of the plan the tax rate not controlled by the city administration increased 23 cents while the general and street funds for which the council and manager are responsible had decreased during the same period five cents. Every employe in every department of the city has had his pay increased from 20 to 25 per cent within the past two years.

Three miles of streets were paved, two new streets opened, and a steel bridge with concrete piers constructed. A complete city survey with establishment of permanent street and side-

walk grades has been made. A fire department has been motorized and a complete 44 station fire alarm system costing \$40,000 has been installed. A real "white way" has been constructed.

Bids for the construction of an underground, reinforced concrete covered reservoir for the water works, having a capacity of 1,300,000 gallons, were received. The manager decided he could beat the figures submitted and the city constructed its own reservoir at a saving of hundreds of dollars. Two miles of new water mains have been laid and 50 added fire hydrants installed. The entire water system is metered, 800 new meters having been recently purchased. Motor equipment has been introduced in many departments with noticeable economy.

Parks and playgrounds have been enlarged and improved and a municipal cemetery developed on the "park and lawn" plan.

A new sewage disposal plant of the most approved type has been constructed under the supervision of the city manager, sanitation and health have been increased by systematic collection of waste and strict enforcement of inspection laws.

Mr. Ellingson, the manager, is 36 years of age and a civil engineer. He served as city engineer of Sherman for six months before his appointment as manager.

No More Deficits for Tyler

TYLER. Population, 12,085. Commission-manager charter effective April, 1915. Henry J. Graeser, the second manager, was appointed August, 1918; salary \$3,600.

For the first time in many years Tyler has operated without a deficit and will have \$32,000 more for improvements from current funds during 1920 than during 1919.

The Tyler charter specifies a definite term of two years for the city manager and evidence that the plan is meeting with general approval is to be found in the fact that the manager has been re-employed for a second term at increased salary.

Mr. Graeser is 43 years old and trained in engineering.

New City Under New Plan

EASTLAND. Population, 12,000. Commission-manager charter effective January, 1919. Walter Lander, manager; salary \$6,000.

A little over a year ago, Eastland was a village of less than 1,000 people. Like Ranger its growth has been unique. A letter received from the manager last fall states:

"We are commencing the erection of a \$100,000 city hall and construction of \$600,000 street cleaning. We have completed our sewer system and extended our water works 200 per cent in the last six months."

Mr. Lander is 51 years old and trained in general business and banking. He served as city manager at Yoakum, Texas, from 1915 to 1918. His salary has recently been increased from \$4,800 to \$6,000.

Save Over \$2 Per Capita, First Year

TAYLOR. Population, 8,200. City manager charter effective April, 1914. A. V. Hyde, the third manager, was appointed April, 1918; salary \$2,000.

The new plan began operations with no money in the treasury and a debt of \$10,000. The fee system has been abolished and the first year ended with a surplus of \$7,000. The city operates on a strictly cash basis; the manager does all buying on competitive bids. A modern accounting system has been installed and an annual audit instituted.

Mr. Hyde is 37 years old and an accountant by training.

\$300,000 Brick Paving

ELECTRA. Population, 7,500. W. H. Larson was appointed manager May 7, 1919. He was followed in June, 1920, by E. D. Kelley; salary \$4,200.

Upon adopting the new plan, Electra undertook a program of improvements including the construction of \$300,000 brick pavement which will be completed the first year.

Mr. Larson is 32 years old, a civil engineer, and experienced in construction work. He held the dual position of city manager and city engineer at Electra.

High Percentage of Improvement

YOAKUM. Population, 7,500. Commission-manager charter effective April, 1915. J. V. Lucas, the second manager, was appointed November, 1919. Walter Lander, his predecessor reported:

"Our people as a whole say no comparison between old form and commission-manager form. Decreased our tax valuation 9 per cent; decreased our tax rate 10 cents; decreased our bonded indebtedness 12 per cent; increased permanent improvements out of general fund 25 per cent."

Improvements Paid for by Earnings

BRYAN. Population, 6,295. City manager charter effective July, 1917. E. E. McAdams, in June, 1920, was appointed manager as successor to J. W. Greer, who was recently promoted to Tallahassee, Florida.

During 1919, Bryan continued to live within its income.

Two miles of sewer extensions have been made and a successful sewage disposal plant placed in operation.

The water system has been so improved that the cost of pumping has been greatly reduced and the supply increased. An incinerator has been erected and is operated without cost of fuel as the waste itself is utilized.

A patrol system keeps the streets in first-class shape and regular collection of trash enhances the appearance and sanitation of the city.

The city has paid off its remaining floating debt of \$20,000, inherited from the old style of government. To quote Mr. Greer:

"Bryan now has no floating debts; pays cash as it goes; operates on the budget plan; lives within the budget; discounts its bills and does business in a business way. It always has money in the treasury to meet its obligations; invests sinking funds in its own securities at 4 and 5 per cent; keeps little money idle with the treasurer (a bank which pays 2 per cent on daily balances)."

Prohibition cut off one-fourth of the city's revenues, by loss of license fees and police court funds. However, crime has diminished and business is better in all lines.

Bryan collected from a bonding company on a five year paving maintenance bond and resurfaced pavement to first-class condition. Sold \$90,000 schoolhouse bonds to advantage; constructed high school building costing \$103,000, containing baths, gymnasium, manual training and domestic science department, and auditorium of 2,000 seating capacity. Constructed nine public comfort stations and rest rooms.

The city did not increase the rates for water and light service during the year, yet from the profits, the city furnishes all public water including street sprinkling, all street lights including one-half mile of "white way," without charge to the taxpayers; provides for interest and sinking funds on the bonded debt; makes all extensions to plants; sets aside 7 per cent for depreciation and has net balance in the bank of more than 12 per cent on the investment. The city cemetery has

been increased by three acres, "although this is a city of live wires."

Before leaving Bryan, Mr. Greer reported: "We carried the power plant bond issue, bought the plant, started operating it October 1 and cut the cost of production to the city 60 per cent the first month. This insures the return of the full purchase price of the plant and its improvements to the taxpayers out of earnings alone in about seven years. The cost of the plant was \$100,000."

Paid Debts and Established Credit

LUFKIN. Population, 4,878. Commission-manager charter effective April, 1919. Lequin Mitchell, manager; salary \$3,600.

After five months under the new plan the manager reports: "Paid off \$53,000 old debts of the city and re-established our credit; ordered \$100,000 bond election for street improvements; added 122 new water customers to the books; completed plans to purchase sewer system from private company; started building campaign and permits issued so far this year exceed those over corresponding period of preceding year by 63; helped to organize a successful chamber of commerce and a building and loan association."

Mr. Mitchell is 29 years old, a graduate engineer and served as city manager at Mangum, Oklahoma, prior to his appointment at Lufkin. He has recently resigned.

Nine More Texas Towns

BEAUMONT. Population, 40,422. Council-commission-manager charter effective April, 1920. George J. Roark, formerly manager of the Beaumont Chamber of Commerce, has been appointed manager; salary \$8,000.

The Beaumont charter closely follows that of Sherman, Texas, in pro-

viding for a large council which in turn selects two of its own members who serve with the mayor as a commission. This commission appoints the manager and co-operates with him more closely than does the larger council.

AMARILLO. Population, 15,494. Commission-manager charter effective December, 1913. J. G. Colby, the sixth manager, was appointed June, 1920; salary \$2,900.

BROWNSVILLE. Population, 13,180. Commission-manager charter effective January, 1916. George Grupe, the third manager, was appointed February, 1920; salary \$5,000.

Mr. Grupe is an engineer by profession. He was superintendent of the water works system at Cleburne, Texas, prior to his appointment as manager.

TERRELL. Population, 8,400. Commission-manager charter effective April, 1919. J. P. Kittrell, manager; salary \$2,400.

BROWNWOOD. Population, 8,225. A modified charter effective April, 1916. E. B. Brasher, the third manager, was appointed February, 1919; salary \$2,400. He has resigned.

DENTON. Population, 6,830. Commission-manager charter effective April, 1914. H. V. Hennen, the third appointee, with the title of "mayor" instead of manager, assumed duties January, 1919.

STAMFORD. Population, 5,000. Commission-manager charter effective June, 1918. H. J. Bradshaw, the second manager, was appointed last year; salary \$3,000.

TEAGUE. Population, 3,760. Position of manager created by ordinance April, 1915. C. E. Johnson, the third manager, was appointed last year.

LUBBOCK. Population, 2,880. Commission-manager charter effective 1918. Martin S. Ruby, manager.

OKLAHOMA

Eleven of Oklahoma's 13 manager cities have adopted standard commission-manager charters. Another, Weatherford, was already operating under the commission plan and simply created the position of manager by ordinance. Several of these Oklahoma cities experimented with the commission form before advancing to the commission-manager plan.

Manager Removed from Political Influence

MANGUM. Population, 4,770. Commission-manager charter effective November, 1914. R. B. Snell, the fourth manager, was appointed January, 1919; salary \$1,800.

The city attorney writes:

The city manager form of government which has been in operation here for the past six years has in my opinion been overwhelmingly superior to the councilmanic form of government theretofore existing.

The principal advantage obtained by this form of government has been to place the responsibility of handling the details of the government in the hands of one man who is required to devote his entire time and attention to the city's business.

The manager is completely removed from politics and political influence in so far as it is humanly possible; hence you can readily see the multitude of advantages to be obtained by the city under that kind of management; it saves money, strife and political preferment.

Mr. Snell is a mechanic by trade and served as commissioner prior to his appointment.

Swap Horses toward Motor Truck

COALGATE. Population, 4,000. Commission-manager charter July, 1914.

Leslie E. Ray, the third manager, was appointed August, 1919; salary \$1,620.

When the present manager assumed his duties, the various city departments were in badly run down condi-

tion. The water supply was so meager that it could be furnished for domestic purposes only about six hours a day. The street lights refused to burn without constant coaxing, the sewer system was stopped up in several places, the disposal plant was out of business, and the streets in bad shape.

During the past four months the water system has been overhauled, the supply increased 20 per cent, storage basins kept filled, and operating expenses reduced 16½ per cent. Street lighting has been greatly improved by the appointment of volunteers in the various sections of town who report defects at once so that the city is now well lighted. The sewers have been cleaned and flushed and the disposal plant is about to be rehabilitated.

The city has graded 46 blocks of dirt streets and hard surfaced two blocks through the co-operation of property owners. Several new culverts have been constructed and additional paving contracted for.

The fire equipment consisted of two old horses about 14 years of age, one worn out fire wagon, 2,000 feet of hose, one chemical tank and two ladders. The manager swapped the horses to a farmer for \$50 more than the price set by the city commission, bought a motor truck and equipped it with the body of the old wagon, a chemical tank and hose and thus has motor fire apparatus. As to the saving, the manager writes: "It was costing the city about \$2.00 per day to keep the team and it is now costing us an average of \$8.00 per month to keep the truck. This will be reduced as soon as the firemen get through showing it off. They are proud of it and enjoy driving it through the streets and letting people know what became of Ned and Dan and \$1,700 of city funds."

In Coalgate, the manager is obliged to serve also as police judge. It is

noteworthy that during the past eight months the fines have amounted to \$995 whereas for the full year preceding they totaled but \$358.

Mr. Bay is 33 years old and served 18 months as secretary-treasurer of Coalgate before promotion to the office of manager. He is also experienced in management of public utilities. He writes: "The new plan has proved to be more efficient economy and satisfactory to the taxpayers."

Start Improvements at Once

WALTERS. Population, 3,600. Commission-manager charter effective September, 1919. W. B. Anthony, manager; salary \$3,000.

Within the past 12 months the population has trebled on account of discovery of oil. Since the new plan became effective, \$45,000 has been spent for improvements to the water works, electric light system and sewers and an additional \$75,000 may be spent soon. Natural gas from the city's own fields is used as fuel for both domestic and manufacturing purposes. The city also has authorized the paving of 56 blocks and specifications have been prepared.

Mr. Anthony is 48 years old, a business man. He served eight years as mayor of Marlow, a neighboring Oklahoma town and held important state offices. He writes: "While the manager form is still on trial in Walters, I am positive that the beneficial results secured so far have convinced every observant citizen of the wisdom of this plan of government."

Turn Deficit into Gain

WEATHERFORD. Population, 3,000. Position of manager created by ordinance of the commission July, 1917. Glen A. Critchfield, the third manager, was appointed June, 1919; salary \$1,700.

Under the new plan the tax rate has been kept below the allowance of six mills whereas formerly it was necessary to vote extra levies. The saving has been large enough to permit the motorization of all street and fire equipment.

The water, light and ice plants have been put on a profit making basis and show a net gain of \$3,000 the past year as compared with a previous annual loss of more than \$7,000.

Mr. Critchfield is 26 years old and an electrical engineer.

Oklahoma's Other Nine

MUSKOGEE. Population, 50,000. Commission-manager charter effective April, 1920. R. P. Harrison is city manager; salary \$6,000.

Mr. Harrison previously served as clerk in the United States district court and has had long newspaper experience.

MCALISTER. Population, 19,000. Commission-manager charter effective November, 1919. E. M. Fry, manager; salary \$5,000.

Mr. Fry is 45 years old, is a trained surveyor, and was assistant superintendent of the Oklahoma state penitentiary prior to his appointment.

NOWATA. Population, 8,000. Commission-manager charter effective April, 1920. James C. Manning, the manager, previously served one year as manager at Hays, Kansas. He is 39 years old and an engineer experienced in public utilities. His salary is \$4,200.

NORMAN. Population, 6,240. Commission-manager charter effective September, 1919. W. J. Gater, manager.

Mr. Gater writes: "The manager form is proving to be a great success and will make a saving of about \$1,200 this year."

DUNCAN. Population, 3,500. Commission-manager charter adopted April 28 by a vote of 338 to 187. The salary

of the manager is placed at the minimum of \$3,000.

SALLISAW. Population, 3,000. Commission-manager charter effective November, 1919. Fred E. Johnston, manager; salary \$3,000.

Mr. Johnston is a graduate engineer and served as captain of engineers overseas. He is 31 years old.

COLLINSVILLE. Population, 2,500. Commission-manager charter effective January, 1914. F. A. Wright, the second manager, was appointed May, 1916; salary \$1,800.

Mr. Wright is 35 years old and was

an accountant and newspaper man before becoming manager.

MADILL. Population, 1,760. Commission-manager charter effective November, 1917. A. P. Marsh, the third manager, was appointed May, 1918; salary \$1,800.

Mr. Marsh is 52 years old and was formerly a wholesale merchant.

ERICK. J. A. Richardson has been employed as city manager. He is 45 years of age, and has served six years as city clerk of Erick. The governing body is a board of trustees consisting of a mayor and two other members.

CHANGES IN THE CITY MANAGER FIELD

Changes in the city manager field not previously noted in these columns include the adding of seven new cities and the scratching off of two. This gain of five brings the total number of American municipalities now operating under, or pledged to, some variety of city manager government to 185.

Richmond, California, with a population of some 10,000, adopted the manager plan by ordinance on June 28. A manager was to have been appointed during July.

Colorado Springs, Colorado, population, 35,000, voted for a commission-manager charter July 6, to become effective in April, 1921. This was the third attempt and the majority in favor of the plan was a substantial one.

Kenilworth, Illinois, a wealthy residential suburb of Chicago, has provided for the village-manager plan by ordinance of the trustees and F. L. Streed, now assistant manager at Winnetka, Illinois, has been appointed manager to take office September 1.

Maquoketa, Iowa, has inaugurated the city manager plan by ordinance and G. O. Morse was appointed manager in July.

Mansfield, Massachusetts, voted 508 to 255 for adoption of the town manager plan on July 12. The plan becomes effective in January, 1921.

Pontiac, Michigan, population 34,273, has adopted a commission-manager charter, the first commissioner to be elected next November.

Hendersonville, North Carolina, has appointed G. W. Brooks as its first city manager. The plan has probably been put in effect by ordinance.

Concord, Massachusetts, reported in April as having adopted the manager plan, is still on the waiting list, and Sewickley, Pennsylvania, after trying the manager plan by ordinance for a year or so, is appointing no successor to W. M. Cotton who was transferred to the managership at Ambridge the first of the year. Sewickley may well be scratched from the list.

Personnel

Appointments to vacancies appearing in the April tables have been as follows: Dubuque, Iowa. O. E. Carr appointed May, 1920; salary \$8,400. Mr. Carr thus becomes the second man to hold his fourth city

manager position. He has previously served as manager of Springfield, Ohio; Niagara Falls, New York; and Cadillac, Michigan.

Grand Haven, Michigan. Paul R. Taylor, a civil engineer of Kansas City, Missouri, became Grand Haven's third city manager, July 15th; salary \$3,500.

Lapeer, Michigan. Charles Hubbard was appointed in April at a salary of \$2,000, to fill the vacancy created by the resignation of Ray S. Blinn last fall.

Elizabeth City, North Carolina. J. C. Commander, who served as city manager during 1915-16, has been reappointed at a salary of \$2,400.

Muskogee, Oklahoma. R. P. Harrison, previously clerk in the United States District Court, was appointed manager in April; salary \$6,000.

Nowata, Oklahoma. James C. Manning, formerly city manager at Hays, Kansas, was appointed manager in May at a salary of \$4,200.

Beaumont, Texas. George J. Roark, formerly manager of the Beaufort Chamber of Commerce, was appointed city manager in April. His salary is at the rate of \$8,000 per year for the first six months, and at the rate of \$10,000 annually thereafter.

Springfield, Vermont. John B. Wright was appointed municipal manager in April; salary \$3,600.

Bedford, Virginia. C. T. Venable became Bedford's first city manager in May; salary \$2,800.

Lynchburg, Virginia. Edward A. Beck has been appointed to take office September 1. This is Mr. Beck's fourth position as manager and his promotion from Auburn, Maine, where he has served since February, 1919, is the thirty-fifth case of a manager's being transferred from one city to another. His first two cities were Edgeworth, Pennsylvania and Goldsboro, North Carolina. The Goldsboro position was

won in competition with 522 candidates. The Lynchburg salary is \$7,500.

Other changes in city manager personnel are:

San Jose, California. W. C. Bailey, who followed Thomas H. Reed as manager in July, 1918, has recently resigned after a successful administration. His successor has not been announced.

Sanford, Florida. C. J. Ryan, who had previously served twelve years as superintendent of public utilities at Lake City, Florida, was appointed as manager to succeed G. A. Abbott, in June. His salary is \$3,900.

Hays, Kansas. A. W. Seng succeeds James C. Manning; salary \$3,000.

Albion, Michigan. E. J. Mallory is Albion's fourth city manager. He was appointed in June to follow W. E. Baumgardner; salary \$2,000.

Alpena, Michigan. W. E. Baumgardner, who had previously served two years as manager at Albion, Michigan, became Alpena's third manager in June; salary \$4,000.

Eaton Rapids, Michigan. P. T. Mitchell follows O. S. Yager; salary \$2,500.

Sault Ste. Marie, Michigan. Henry Sherman was appointed in July to fill the vacancy created by the promotion of W. M. Rich to Goldsboro, North Carolina; salary \$3,400.

Roswell, New Mexico. Clyde Fulton succeeds A. G. Jaffa.

Watervliet, New York. Henry E. Gabriels has been made manager, succeeding James B. McLeese, who died recently.

Goldsboro, North Carolina. I. M. Cashell has resigned and W. M. Rich, previously manager at Sault Ste. Marie, Michigan, has been appointed; salary \$4,500.

Hickory, North Carolina. R. G. Henry is Hickory's fourth manager; salary \$3,000.

Springfield, Ohio. Edgar E. Parsons is Springfield's third city manager. He took office in July; salary \$6,000.

LaGrande, Oregon. George Garrett follows John Collier as manager. His appointment in June makes five managers as LaGrande's record.

Sumter, South Carolina. Howard Stillwell is the sixth man to hold the position of manager. He follows W. T. Brown; salary \$4,000.

Amarillo, Texas. Amarillo, Sumter, and Thomasville, North Carolina, tie for first place in frequent changes of city manager. Two men have held the position at Amarillo since the resignation of S. B. Motlow who resigned in April. The present incumbent is J. G. Colby, appointed in June; salary \$2,900.

Bryan, Texas. E. E. McAdams was appointed manager in June. He follows H. A. Burger who has been acting manager since the resignation of J. W. Greer in February; salary \$3,300.

Electra, Texas. E. D. Kelley was chosen manager in June. He succeeded W. H. Larson; salary \$4,200.

Brigham City, Utah. John H. Burt has resigned because of ill health and

is succeeded by his predecessor, C. O. Roskelley.

SALARIES

Salaries not previously announced are: F. G. Connelly, Estherville, Iowa, \$3,000; C. J. Mackey, West Liberty, Iowa, \$2,000; J. J. Curle, Cynthia, Kentucky, \$1,200; I. R. Ellison, Muskegon, Michigan, \$4,250; Roy N. Stewart, Scobey, Montana, \$2,100; H. J. Bradshaw, Stamford, Texas, \$3,000; L. L. Theriault, Edmundston, New Brunswick, \$3,000.

Salary increases have been reported as follows: Grant M. Lorraine, Alhambra, California, from \$2,700 to \$3,300; Maurice Lowman, Birmingham, Michigan, from \$2,750 to \$3,600; Fred H. Locke, Grand Rapids, Michigan, from \$5,000 to \$6,000; F. E. Cogswell, Pipestone, Minnesota, from \$1,800 to \$2,100; Oscar Dobbs, Clovis, New Mexico, from \$2,700 to \$3,600; R. L. Pickett, High Point, North Carolina, from \$2,700 to \$3,000; W. R. Patton, Morganton, North Carolina, from \$1,800 to \$2,100; M. H. Turner, Ashtabula, Ohio, from \$3,000 to \$3,500; W. T. Howie, Towanda, Pennsylvania, from \$1,200 to \$1,500.

TECHNICAL SUPPLEMENTS of the

National Municipal Review

1. The Assessment of Real Estate

By LAWSON PURDY

for eleven years President, Dept. of Taxes and Assessments, City of New York; in co-operation with the National Municipal League's Committee on New Sources of Revenue, Robert Murray Haig, Chairman
Describes the type of organization and principles of administration best adapted to the task of assessing real estate in American municipalities—the mature conclusions of a notable tax administrator. 24 pages.

2. Administrative Consolidation in State Governments

By A. E. BUCK

New York Bureau of Municipal Research

Describes exhaustively the consolidations of state offices, boards, and bureaus in Illinois, Idaho, Nebraska, and Massachusetts, and the proposed consolidations in New York and Delaware. The only comparative study available on this subject. 32 pages, with diagrams.

3. The Coming of Centralized Purchasing in State Governments

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